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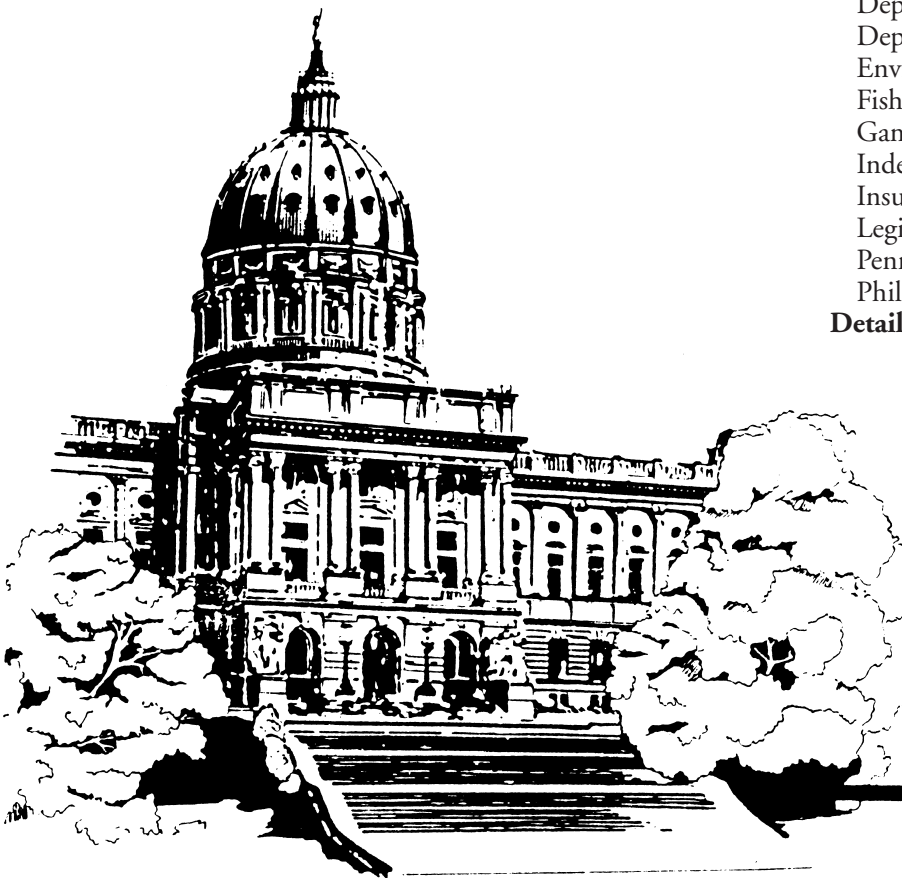
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PENNSYLVANIA BULLETIN

Volume 42
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Department of Conservation and Natural
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Department of Environmental Protection
Department of Labor and Industry
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(Master Transmittal Sheets):**

No. 456, November 2012

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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THE GOVERNOR

[EXECUTIVE ORDER NO. 2012-16]

Absentee Ballot Procedures for Emergency Responders

November 2, 2012

Whereas, acting under authority of the Constitution and laws of the Commonwealth of Pennsylvania, including especially section 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7301(c)), I issued on October 26, 2012, a Proclamation declaring the existence of a disaster emergency throughout the Commonwealth in the expectation that Hurricane Sandy would strike the Commonwealth; and

Whereas, beginning on October 28, 2012, Hurricane Sandy in fact did begin to affect the Commonwealth and continued to do so with increasing intensity through the next several days, causing serious harm and damage throughout the Commonwealth and in neighboring States; and

Whereas, as a consequence of the effects of Hurricane Sandy, many citizens of the Commonwealth who are engaged in the business or occupation of emergency response have been ordered by their employers or other organizations, with little notice, to deploy to parts of the Commonwealth outside of their counties of residence or to locations outside the Commonwealth that have been severely affected by Hurricane Sandy; and

Whereas, the emergency responders deployed by orders of their employers or other organizations include (but are not limited to) members of the Pennsylvania National Guard, medical emergency personnel, and employees of public utility companies; and

Whereas, many emergency responders who, by reason of orders of their employers or other organizations as described herein, expect to remain away from their counties of residence through at least Tuesday, November 6, 2012; and

Whereas, the General Election is scheduled by law to occur throughout the Commonwealth on Tuesday, November 6, 2012; and

Whereas, under the provisions of Section 1302.1(a) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a)), the general deadline by which a qualified elector may apply to receive an absentee ballot for the General Election was Tuesday, October 30, 2012, i.e., “not later than five o’clock P.M. of the first Tuesday prior to the day of any . . . election;” and

Whereas, under the provisions of Section 1302.1(a.1) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a.1)), “in the event . . . any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the . . . election, which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to any . . . election, the elector shall be entitled to an absentee ballot at any time prior to five o’clock P.M. on the first Friday preceding any . . . election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth;” and

Whereas, under the provisions of Section 1302.1(a.2) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a.2)), “[i]n the event . . . any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the . . . election, which fact was not and could not reasonably be known to said elector prior to five o’clock P.M. on the first Friday preceding any . . . election, the elector shall be entitled to an absentee ballot if the elector completes and files with the court of common pleas in the county in which the elector is qualified to vote an Emergency Application or a letter or other signed document, which includes the same information as is provided on the Emergency Application;” and “[u]pon a determination that

the elector is a qualified absentee elector . . . , the judge shall issue an absentee ballot to the elector;” and “[i]f the elector is unable to appear in court to receive the ballot, the judge shall give the elector’s absentee ballot to an authorized representative of the elector who is designated in writing by the elector;” and “[t]he authorized representative shall deliver the absentee ballot to the elector and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections . . . ;” and “[i]f the elector is unable to appear in court or unable to obtain assistance from an authorized representative, the judge shall direct a deputy sheriff of the county to deliver the absentee ballot to the elector if the elector is at a physical location within the county and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections . . . ;” and “[i]f there is no authorized representative and a deputy sheriff is unavailable to deliver an absentee ballot under this section, the judge may direct a constable to make such delivery . . . ;” and “[n]o absentee ballot under [Section 1302.1(a.2) of the Pennsylvania Election Code] shall be counted which is received in the office of the county board of elections later than eight o’clock P.M. on the day of the . . . election;” and

Whereas, under the provisions of Section 1306(a) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)), a qualified absentee elector (with certain limited exceptions) must, “on or before five o’clock P.M. on the Friday prior to the . . . election,” proceed to mark his absentee ballot and enclose and securely seal it in the secrecy envelope marked “Official Absentee Ballot”; and

Whereas, under the provisions of Section 1306(a)(1) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)(1)), “[a]ny elector who submits an Emergency Application and receives an absentee ballot in accordance with section 1302.1(a.2) . . . shall mark the ballot on or before eight o’clock P.M. on the day of the primary or election;” and “[t]his envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector’s county board of election and the local election district of the elector;” and “[t]he elector shall then fill out, date and sign the declaration printed on such envelope;” and “[s]uch envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, . . . or deliver it in person to said county board of election;” and

Whereas, with certain limited exceptions, Section 1308(a) of the Pennsylvania Election Code (25 P.S. § 3146.8(a)) provides that “no absentee ballot shall be counted which is received in the office of the county board of election[s] later than five o’clock P.M. on the Friday immediately preceding the . . . election;” and

Whereas, under the provisions of Section 1302.2(c) of the Pennsylvania Election Code (25 P.S. § 3146.2(c)), “[a] qualified absentee military or overseas elector, as defined by the Uniformed and Overseas Citizens Absentee Voting Act . . . , may submit his application for an official absentee ballot by facsimile method if the original application is received prior to the election by the county election office;” and

Whereas, under Section 1308(g)(1) of the Pennsylvania Election Code (25 P.S. § 3146.8(g)(1)), and notwithstanding Section 1308(a), an absentee ballot cast by absentee electors as defined in Section 1301(a), (b), (c), (d), (e), (f), (g) and (h) of the Pennsylvania Election Code—commonly referred to as military and overseas electors—that is received in the office of the county board of elections “after five o’clock P.M. on the Friday immediately preceding the election, but no later than five o’clock P.M. on the seventh day following an election, shall be canvassed . . . if the absentee ballot is postmarked no later than the day immediately preceding the election;” and

Whereas, the procedures prescribed for the canvassing of absentee ballots received from military and overseas electors under Section 1308(g)(1) of the Pennsylvania Election Code (25 P.S. § 3146.8(g)(1)) i.e., “after five o’clock P.M. on the Friday immediately preceding the election, but no later than

five o'clock P.M. on the seventh day following an election," are set forth in Section 1308(g)(2) through (7) of the Pennsylvania Election Code (25 P. S. § 3146.8(g)(2)-(7)); and

Whereas, the circumstances of the rapid deployments of emergency personnel to respond to the severe conditions caused by Hurricane Sandy in many cases have made it impossible for these Pennsylvania citizens to obtain and submit an absentee ballot in the manner prescribed in the Pennsylvania Election Code as described herein; and

Whereas, without waiver or alteration of the requirements of the Pennsylvania Election Code for absentee balloting, those Pennsylvania citizens who as emergency responders have been ordered with little advance notice to be away from their counties of residence and expect to remain away from the county of residence through Election Day on November 6, 2012, would be unable to cast a ballot in the General Election due solely to the nature and circumstances of their business and occupational duties related directly to recovery from the consequences of Hurricane Sandy.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq., as amended), and other laws of the Commonwealth, do hereby issue this Executive Order as hereinafter set forth:

1. This Executive Order shall apply solely to qualified Pennsylvania electors whose business, duties or occupation are expected to require them to be absent from their county of residence on Tuesday, November 6, 2012, during the entire time prescribed by law for voting (i.e., seven o'clock A.M. through eight o'clock P.M.), and whose absence from their county of residence on Election Day is required by order of their employer or other organization and is directly related to efforts of the elector's employer or other organization with which the elector is associated to recover from the effects of Hurricane Sandy. A qualified elector described in this paragraph shall be referred to hereinafter as an "Emergency Responder Qualified Absentee Elector."

2. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, the deadline by which an Emergency Responder Qualified Absentee Elector may apply to receive an absentee ballot shall be Monday, November 5, 2012, at 5:00 P.M.

3. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, an Emergency Responder Qualified Absentee Elector may apply for an absentee ballot in the same manner as if the Emergency Responder Qualified Absentee Elector were a military or overseas elector as described in Section 1302.2(c) of the Pennsylvania Election Code (25 P. S. § 3146.2(c)), i.e., an Emergency Responder Qualified Absentee Elector may submit his application for an official absentee ballot by electronic method; however, notwithstanding the provisions of the Pennsylvania Election Code, the original application may be received by the county election office up to 5:00 P.M. on Tuesday, November 13, 2012, so long as there is proof that the application was mailed or delivered to the county election office no later than Monday, November 5, 2012.

4. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, the county board of elections shall deliver an absentee ballot to an Emergency Responder Qualified Absentee Elector through electronic means upon request of the Emergency Responder Qualified Absentee Elector; however, the completed official absentee ballot may not be delivered to the county board of elections through electronic means.

5. Notwithstanding any provision of the Pennsylvania Election Code to the contrary, the date and time by which an Emergency Responder Qualified Absentee Elector must complete and return his absentee ballot to the county board of elections shall be governed by the provisions of Section 1308(g) of the Pennsylvania Election Code (25 P. S. § 3146.8(g)), in the same manner

as if the Emergency Responder Qualified Absentee Elector were a military or overseas elector as described in Section 1301(a) through (h) of the Pennsylvania Election Code.

6. To be treated as an Emergency Responder Qualified Absentee Elector under this Executive Order, an applicant for an absentee ballot must certify, under penalty of law, that as a consequence of the effects of Hurricane Sandy, the applicant has been ordered by his employer or other organization with which he is associated to deploy to a location outside of his county of residence and for that reason expects to be absent from his municipality of residence at all times on Election Day during the hours prescribed by law for voting.

7. The Secretary of the Commonwealth, in conjunction with the county boards of elections, is hereby authorized to take any and all action necessary to implement this Executive Order.

8. The Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Commissions, Elections and Legislation and in all other appropriate places and shall take all necessary action to provide notice of this Executive Order to the county boards of elections and the general public, including especially those citizens who are likely to qualify as Emergency Responder Qualified Absentee Electors under this Executive Order.

9. *Effective Date:* This Executive Order shall take effect immediately.

10. *Termination Date:* This Executive Order shall terminate effective November 16, 2012 at 12:00 p.m.



Governor

Fiscal Note: 2012-16. No fiscal impact. The costs associated with this action will be absorbed within the Department of State's existing funding levels; (8) recommends adoption.

[Pa.B. Doc. No. 12-2215. Filed for public inspection November 16, 2012, 9:00 a.m.]

[EXECUTIVE ORDER NO. 2012-13]

Extension of Deadline for Absentee Ballot Applications for General Election of 2012

October 29, 2012

Whereas, the preparations for and effects of Hurricane Sandy and other weather systems that struck or were expected to strike the commonwealth during the week of October 29, 2012, have caused and are expected to cause in parts of the commonwealth the closure of the offices of numerous county boards of elections on Monday, October 29, 2012, and Tuesday, October 30, 2012; and

Whereas, the General Election is scheduled by law to occur throughout the commonwealth on Tuesday, November 6, 2012; and

Whereas, under the provisions of Section 1302.1(a) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a)), the general deadline by which a qualified elector may apply to receive an absentee ballot for the General Election is Tuesday, October 30, 2012, i.e., "not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election;" and

Whereas, the weather-related closures of the offices of numerous county boards of elections during the last two days on which the applications of

qualified electors for absentee ballots by law may be received by the county boards of elections make it necessary and proper to extend in those counties the general statutory deadline by which the county boards of elections may receive applications for absentee ballot.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq., as amended), and other laws of the commonwealth, do hereby issue this Executive Order as hereinafter set forth:

1. The deadline prescribed by Section 1302.1(a) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a)) by which a qualified elector of a county may apply to receive an absentee ballot for the General Election shall be extended by one additional day for each business day during the week of October 29, 2012, on which the office of the county board of elections was closed for business as a consequence of weather conditions, but in no event shall said deadline be extended beyond 5:00 p.m. prevailing time on Friday, November 2, 2012.

2. The Office of the Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Commissions, Elections and Legislation and in all other appropriate places and shall take all necessary action to provide notice of this Executive Order to the county boards of elections and the general public.

3. *Effective Date.* This Executive Order shall take effect immediately.

4. *Termination Date.* This Executive Order shall terminate effective November 16, 2012 at 12:00 p.m.



Governor

Fiscal Note: 2012-13. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-2216. Filed for public inspection November 16, 2012, 9:00 a.m.]

[EXECUTIVE ORDER NO. 2012-14]

Extension of Deadline for Completion and Receipt of Absentee Ballots

October 31, 2012

Whereas, the effects of and preparations for Hurricane Sandy and other weather systems that struck or were expected to strike Pennsylvania during the week of October 29, 2012, have caused in parts of the Commonwealth the closure of the offices of numerous county boards of elections on Monday, October 29, 2012, and Tuesday, October 30, 2012; and

Whereas, the General Election is scheduled by law to occur throughout the Commonwealth on Tuesday, November 6, 2012; and

Whereas, under the provisions of Section 1302.1(a) of the Pennsylvania Election Code (25 P.S. § 3146.2a(a)), the general deadline by which a qualified elector may apply to receive an absentee ballot for the General Election is Tuesday, October 30, 2012, i.e., "not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election;" and

Whereas, through Executive Order 2012-13 issued October 29, 2012, under authority of the laws of the Commonwealth (including especially the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq.), I

determined that the weather-related closures of the offices of numerous county boards of elections during the last two days on which applications of qualified electors for absentee ballots by law may be received by the county boards of elections made it necessary and proper to extend in those counties the general statutory deadline by which the county boards of elections may receive applications for absentee ballot; and

Whereas, under the provisions of Section 1306(a) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)), a qualified absentee elector (with certain limited exceptions) must, “on or before five o’clock P.M. on the Friday prior to the . . . election,” proceed to mark his absentee ballot and enclose and securely seal it in the secrecy envelope marked “Official Absentee Ballot”; and

Whereas, with certain limited exceptions, Section 1308(a) of the Pennsylvania Election Code (25 P.S. § 3146.8(a)) provides that “no absentee ballot shall be counted which is received in the office of the county board of election[s] later than five o’clock P.M. on the Friday immediately preceding the . . . election;” and

Whereas, the aforesaid weather-related closures of the offices of numerous county boards of elections during the week preceding the date of the General Election have caused serious disruptions in the process for the conduct of absentee balloting in those affected counties, including especially the process for the timely delivery of absentee ballots by the county boards of elections and the timely return of those ballots by the electors to the county boards of elections; and

Whereas, the disruption to the absentee balloting process caused by the weather-related closures of the offices of the county boards of elections make it necessary and proper to extend in those counties the statutory deadline by which absentee electors may complete their absentee ballots and submit them to their county board of elections.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Emergency Management Services Code (35 Pa.C.S. § 7101 et seq., as amended), and other laws of the Commonwealth, do hereby issue this Executive Order as hereinafter set forth:

1. For any county in which the office of the board of elections was closed to the public at any time during regularly-scheduled business hours for the week of October 29, 2012, as a consequence of the effects of or preparations for Hurricane Sandy, the deadline prescribed by Section 1306(a) of the Pennsylvania Election Code (25 P.S. § 3146.6(a)) by which a qualified absentee elector must mark his absentee ballot and enclose and securely seal it in the secrecy envelope marked “Official Absentee Ballot,” and the deadline prescribed by Section 1308(a) of the Pennsylvania Election Code (25 P.S. § 3146.8(a)) by which an absentee ballot must be received by the county board of elections, shall be five o’clock P.M. on Monday, November 5, 2012, notwithstanding the deadlines prescribed by the aforesaid provisions of the Pennsylvania Election Code.

2. Absentee ballots that are received by a county board of elections later than five o’clock P.M. on Friday, November 2, 2012, under the authority of paragraph 1 of this Executive Order shall be segregated from all other absentee ballots and retained by the county board of elections at a central location for canvassing by the county board of elections after Election Day in the manner prescribed by the Pennsylvania Election Code for the canvassing by the county board of elections of absentee ballots that under law are properly received by a county board of elections later than five o’clock P.M. on the Friday immediately preceding an election.

3. The Secretary of the Commonwealth shall post this Executive Order in the Department of State’s Bureau of Commissions, Elections and Legislation and in all other appropriate places and shall take all necessary action to provide notice of this Executive Order to the county boards of elections and the general public.

4. *Effective Date:* This Executive Order shall take effect immediately.
5. *Termination Date.* This Executive Order shall terminate effective November 16, 2012 at 12:00 p.m.

*Governor*

Fiscal Note: 2012-14. No fiscal impact. The costs associated with this action will be absorbed within the Department of State's existing funding levels; (8) recommends adoption.

(*Editor's Note:* See 42 Pa.B. 7087 (November 17, 2012) for Executive Order 2012-13.)

[Pa.B. Doc. No. 12-2217. Filed for public inspection November 16, 2012, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rules 1910.3, 1910.16-2, 1910.19 and 1910.27 of the Rules of Civil Procedure; No. 569 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 5th day of November, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 3722 (June 30, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.3, 1910.16-2, 1910.19 and 1910.27 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on December 5, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.3. Parties. Obligor. Obligee.

(a) An action may be brought

* * * *

(6) by any person who may owe a duty of support to a child or spouse. **If the person to whom a duty of support may be owed does not appear, the action may be dismissed without prejudice for the petitioner to seek further relief from the court.**

(b) The trier of fact shall enter an appropriate [**child support**] order based upon the evidence presented, without regard to which party initiated the support action [**or**], filed a modification petition **or filed a petition for recovery of support overpayment**. The determination of which party will be the obligee and which will be the obligor will be made by the trier of fact based upon the respective incomes of the parties, consistent with the support guidelines and existing law, and the custodial arrangements at the time of the initial or subsequent conference, hearing or trial. If supported by the evidence, the party named as the defendant in the initial pleading may be deemed to be the obligee, even if that party did not file a complaint for support. The provisions of this subdivision do not apply to parties seeking spousal support or alimony pendente lite. Parties seeking spousal support or alimony pendente lite must assert a claim in an appropriate pleading with proper notice served upon the other party.

* * * *

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

* * * *

(c) *Monthly Net Income.*

(1) Unless otherwise provided in these [**Rules**] rules, the court shall deduct only the following items from monthly gross income to arrive at net income:

(A) federal, state, and local income taxes;

(B) **unemployment compensation taxes and Local Services Taxes (LST)**;

(C) F.I.C.A. payments (Social Security, Medicare and Self-Employment taxes) and non-voluntary retirement payments;

[(C)] (D) **mandatory** union dues; and

[(D)] (E) alimony paid to the other party.

* * * *

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances. Overpayments.

* * * *

(g) *Overpayments.*

(1) **Order in Effect.** If there is an overpayment **in an amount in excess of two months of the monthly support obligation** and a charging order remains in effect, after notice to the parties as set forth below, the domestic relations section shall reduce the charging order by 20% [**of the obligor's share of the basic child support obligation**] or an amount sufficient to retire the overpayment by the time the charging order is terminated. The notice shall advise the [**obligee**] parties to contact the domestic relations section within [**60**] 30 days of the date of the mailing of the notice if [**the obligee**] **either or both of them** wishes to contest the proposed reduction of the charging order. If [**the obligee**] **either party** objects, the domestic relations section shall schedule a conference to provide the [**obligee**] **objecting party** the opportunity to contest the proposed action. If [**the obligee does not respond**] **neither party responds** to the notice or [**object**] **objects** to the proposed action, the domestic relations section shall have the authority to reduce the charging order.

(2) **Order Terminated.** If there is an overpayment **in any amount** and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the overpayment in a monthly amount to be determined by the trier of fact after consideration of the former obligee's ability to pay.

* * * * *

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. **Petition for Recovery of Support Overpayment.**

(a) The complaint in an action for support shall be substantially in the following form:

(Caption)
COMPLAINT FOR SUPPORT

* * * * *

5. Plaintiff seeks **to pay support or receive support** for the following persons:

* * * * *

7. A previous support order was entered against the
☐ **plaintiff** ☐ defendant on _____ in an action at
_____ in the amount of \$ _____
(Court, term and docket number)

for the support of _____.

(Name)

There are (no) arrearages in the amount of \$ _____.
The order has (not) been terminated.

8. ☐ Plaintiff ☐ **Defendant** last received support from
the **[Defendant] other party** in the amount of
\$ _____ on _____.

(Date)

WHEREFORE, Plaintiff requests that an order be
entered **[against Defendant and in favor of the
Plaintiff and] on behalf of** the aforementioned chil-
d(ren) **and or spouse** for reasonable support and medical
coverage.

* * * * *

(h) A petition for recovery of a support overpay-
ment when a support order remains in effect shall
be in substantially the following form:

(Caption)

**Petition for Recovery of Support Overpayment in
Active Case.**

1. Obligor and Obligee are parties in a support
action at the docket number captioned above.

2. There is an overpayment owing to Obligor in
an amount in excess of two months of the monthly
support obligation.

Wherefore, Obligor requests that, pursuant to
Pa.R.C.P. No. 1910.19(g)(1), the charging order be
reduced by 20% or an amount sufficient to retire
the overpayment by the time the charging order is
terminated.

I verify that the statements in this petition are
true and correct to the best of my knowledge,
information and belief. I understand that false
statements herein are made subject to the penalties
of 18 Pa.C.S. § 4904 relating to unsworn falsifica-
tion to authorities.

(date)

(Obligor signature)

(i) A petition for recovery of a support overpay-
ment when a support order has been terminated
shall be in substantially the following form:

(Caption)

**Petition for Recovery of Support Overpayment in
Closed Case.**

1. Plaintiff is an adult individual residing at:

2. Defendant is an adult individual residing at:

3. Plaintiff and defendant were parties in a prior
support action that was terminated by order
dated _____ at docket number _____.

4. There is an overpayment owing to the instant
plaintiff.

Wherefore, the plaintiff requests that, pursuant to
Pa.R.C.P. No. 1910.19(g)(2), an order be entered
against the defendant and in favor of the plaintiff
in the amount of the overpayment.

I verify that the statements in this petition are
true and correct to the best of my knowledge,
information and belief. I understand that false
statements herein are made subject to the penalties
of 18 Pa.C.S. § 4904 relating to unsworn falsifica-
tion to authorities.

(date)

(plaintiff signature)

(j) The order to be attached at the front of the
petition for recovery of support overpayment in
closed case set forth in subdivision (i) shall be in
substantially the following form:

(Caption)

ORDER OF COURT

You, _____, defendant, are ordered to appear
at _____ before _____, a conference officer
of the Domestic Relations Section, on the _____ day
of _____, 20____, at ____ M., for a conference, af-
ter which the officer may recommend that an order
for the recovery of a support overpayment be
entered against you.

You are further ordered to bring to the confer-
ence

(1) a true copy of your most recent federal in-
come tax return, including W-2s, as filed,

(2) your pay stubs for the preceding six months,
and

(3) the Income Statement and the appropriate
Expense Statement, if you are claiming that you
have unusual needs or unusual fixed obligations.

Date of Order: _____ J.

**YOU HAVE THE RIGHT TO A LAWYER, WHO
MAY ATTEND THE CONFERENCE AND REPRESENT
YOU. IF YOU DO NOT HAVE A LAWYER, GO
TO OR TELEPHONE THE OFFICE SET FORTH
BELOW. THIS OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A LAWYER.**

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

* * * * *

Explanatory Comment—2012

The form complaint for support in subdivision (a) has been amended to accommodate cases initiated pursuant to Rule 1910.3(a)(6). Because a support order may be entered against either party without regard to which party initiated the support action pursuant to Rule 1910.3(b), a party who believes that he or she may owe a duty of support may use the complaint form to initiate the action even if he or she ultimately is determined to be the obligor. In active charging support cases in which there is an overpayment in an amount in excess of two months of the monthly support obligation and the domestic relations section fails to reduce the charging order automatically to recoup the overpayment pursuant to Rule 1910.19(g)(1), the obligor may file a petition for recovery as set forth in subdivision (h) above. A separate form petition has been added in subdivision (i) by which a former support obligor may seek recovery of an overpayment in any amount in terminated cases pursuant to Rule 1910.19(g)(2).

[Pa.B. Doc. No. 12-2218. Filed for public inspection November 16, 2012, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Rule of the Court of Common Pleas; No. 299 of 2012 Rules Doc.

Order of Court

And Now, to-wit, this 31st day of October, 2012, *It Is Hereby Ordered, Adjudged and Decreed* that the following Amended Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the unanimous proxy vote of the Board of Judges on October 29, 2012, shall be effective upon publication on the UJS web portal:

Rule 220.1 Voir Dire Questionnaires

By the Court

DONNA JO McDANIEL,
President Judge

Local Rule 220.1. Voir Dire.

In all civil actions to be tried before a jury, the parties shall be provided with the responses to the "Juror Questionnaire" completed by the members of the panel at the time that they report for jury duty (see Form), and the members of the panel shall be asked the questions set forth in this Local Rule (except those which all parties shall agree in advance to strike as inappropriate for the type of case involved). The questions shall be propounded by an Assignment Room Clerk, in the presence of all counsel. The voir dire process is open to the public.

The following questions shall be asked in a standard civil lawsuit, that is, one that is something other than a medical malpractice or asbestos case.

(a) *To be Addressed to the Group:*

1) *Clerk*—"This case is expected to last ____ days. Does that impose a serious hardship for anyone?"

2) *Clerk*—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____ ? *[Insert name of company(ies).]*

Clerk—"This lawsuit concerns ____." *[Insert a description —products liability, motor vehicle accident, fall down, construction, contract, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys.

You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) *Clerk*—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(b) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) Clerk—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages?"

a. Clerk—"If so, what are those feelings or opinions?"

b. Clerk—"Do you think those feelings or opinions might affect your judgment in this case?"

2) Clerk—"This case involves a claim for money damages and is the type commonly called a _____ [*products liability, motor vehicle accident, breach of contract, etc.*] lawsuit."

a. Clerk—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?"

b. Clerk—"If so, what are those feelings?"

c. Clerk—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) Clerk—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) Clerk—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

The following questions shall be asked in medical malpractice cases:

(c) *To be Addressed to the Group:*

1) Clerk—"This case is expected to last _____ days. Does that impose a serious hardship for anyone?"

2) Clerk—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[*Attorneys proceed with introductions.*]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in _____? [*Insert name of company(ies).*]

Clerk—"This case is a Medical Malpractice lawsuit." [*Insert a description—along with a time period or date and place, if applicable.*]

3) Clerk—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial."

[*Attorneys proceed, in turn, to deliver their approved voir dire statements.*]

[*If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.*]

Clerk—"Does anyone know anything about this case?"

4) Clerk—"The attorneys will now identify for you all of their possible witnesses in this case."

[*Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.*]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(d) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) Clerk—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. Clerk—"If so, what are those feelings or opinions?"

b. Clerk—"Do you think those feelings or opinions might affect your judgment in this case?"

2) Clerk—"This case involves a claim for money damages and is the type commonly called a Medical Malpractice lawsuit."

a. Clerk—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor either the patient or the healthcare provider?"

b. Clerk—"If so, what are those feelings?"

c. Clerk—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) Clerk—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) Clerk—"Do you have any feelings or opinions about whether medical malpractice lawsuits affect the costs or availability of medical services?"

"If so, what are those feelings or opinions?"

5) Clerk—"Do you feel it is wrong to sue a [*Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .*] even in circumstances where the [*Insert as before.*] was careless in providing medical care to a patient and caused harm to that patient?"

6) Clerk—"Do you believe that just because the patient suffered a complication, did not get better, or even died, that the [*Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .*] must have done something wrong so that the patient or family is entitled to compensation?"

7) Clerk—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

The following questions shall be asked in asbestos cases:

(e) *To be Addressed to the Group:*

1) Clerk—"This case is expected to last _____ days. Does that impose a serious hardship for anyone?"

2) *Clerk*—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? *[Insert name of company(ies).]*

Clerk—"This lawsuit concerns ____." *[Insert a description-products liability, negligence, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—"The attorneys are now permitted to give you a brief statement about the case."

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) *Clerk*—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(f) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) *Clerk*—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. *Clerk*—"If so, what are those feelings or opinions?"

b. *Clerk*—"Do you think those feelings or opinions might affect your judgment in this case?"

2) *Clerk*—"This case involves a claim for money damages and is the type commonly called a ____ *[Insert a description-products liability, negligence, etc.]* lawsuit."

a. *Clerk*—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?"

b. *Clerk*—"If so, what are those feelings?"

c. *Clerk*—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) *Clerk*—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) *Clerk*—"Have you or any member of your household or immediate family ever suffered from:

a) Any type of cancer?

b) Asbestosis?

c) Emphysema?

d) Silicosis?

e) Chronic bronchitis?

f) Black lung?

g) Mesothelioma

h) Any other lung or respiratory disease?"

5) *Clerk*—"Have you or any member of your household or immediate family ever been employed by a business engaged in manufacturing, supplying, or removing insulation products containing asbestos?"

6) *Clerk*—"Have you or any member of your household or immediate family ever worked or been exposed to products which you understood to contain asbestos or silica?"

7) *Clerk*—"Have you been exposed to any information from the internet, newspapers, radio, television, or from other people, discussing alleged health problems with asbestos or silica?"

8) *Clerk*—"Have you ever smoked:

a) Cigarettes?

b) Cigars?

c) Pipe?"

9) *Clerk*—"If yes, what year did you stop smoking:

a) Cigarettes?

b) Cigars?

c) Pipe?"

10) *Clerk*—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

(g) Up to five additional proposed voir dire questions may be submitted by each party or group of parties with joint representation by one counsel. Disputes as to the propriety of these questions shall be handled as set forth in Local Rule 212.2(c). At the time of voir dire, those proposed additional voir dire questions which were permitted by the Calendar Control Judge will be propounded by the Assignment Room Clerk, in the presence of all counsel, individually to each member of the panel.

(h) At the conclusion of individual questions to each member of the panel as set forth in parts (b), (d), (f) and (g) above, counsel will be permitted to ask reasonable

follow-up questions regarding each panel member's responses to prior questions and responses to the Juror Questionnaire. In the absence of agreement by all parties to the contrary, the order of follow-up questioning shall proceed as the parties appear in the caption of the case.

**FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY
CIVIL DIVISION—JUROR QUESTIONNAIRE**

1) Full Name: _____ Maiden Name (if any): _____

2) Age: _____ Place of Birth: _____

3) Neighborhood or Municipality in which you live: _____
Zip Code: _____

Length of time at current address: _____
Rent or Own: _____

4) ☐ Single ☐ Married ☐ Divorced ☐ Widowed
☐ Separated

Spouse's Name: _____ Spouse's Maiden Name (if any): _____

5) Your Employment/Occupation:

_____	_____	_____
Present Job	Employer	Time at this Job

If Retired:

_____	_____	_____
Last Employer	Last Held Position	Time at this Job

What prior occupations and employers have you had?

6) Please indicate your highest level of education: Elementary ☐ Jr. High/Middle School ☐ High School (did not graduate) ☐ High School Graduate ☐ GED ☐ Technical/Vocational Training ☐ College (did not graduate) ☐ College Graduate ☐ Advanced Degree ☐

<i>College or University</i>	<i>Degree, Diploma, or Certificate Attained</i>	<i>Major Course of Study</i>

7) Have you ever served in the military? Yes ☐ No ☐

If so, in what branch? _____ Years _____ to _____

What did you do? _____ Final Rank _____

Honorable Discharge? Yes ☐ No ☐

8) Have you or any members of your family been involved as a plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes ☐ No ☐

1. Who was involved? _____

2. What was the nature of the lawsuit? _____

3. Were you or your family member the Plaintiff, Defendant, witness or juror? _____

4. What was the outcome? _____

9) Have you ever been involved in an automobile accident? Yes ☐ No ☐

10) Are you licensed to drive a motor vehicle? Yes ☐ No ☐

11) Do you own or lease a motor vehicle? Yes ☐ No ☐

12) Please list your family doctor and/or any other doctors that have treated you in the past two years: _____

13) Please provide the following information about the following people:

	<i>Name</i>	<i>Age</i>	<i>Level of Education</i>	<i>Current Occupation & Employer</i>	<i>Do they reside with you?</i>
Your Mother:					
Your Father:					
Your Spouse:					
Child/Stepchild 1:					
Child/Stepchild 2:					
Child/Stepchild 3:					
Child/Stepchild 4:					
Child/Stepchild 5:					
Child/Stepchild 6:					
Other Adult Member of Household 1:					

	Name	Age	Level of Education	Current Occupation & Employer	Do they reside with you?
Other Adult Member of Household 2:					
Other Adult Member of Household 3:					

14) If you have brothers or sisters, what do they do for a living? _____

15) Do you or any members of your family have a friendship or association with anyone who is a police officer, judge, lawyer, or employee of the court system? If so, please explain: _____

16) Have either you or members of your family ever worked for or done business with the insurance industry or owned stock in an insurance company? Yes ☐ No ☐

17) Have either you, members of your family, or any close friends ever worked for or done business with the medical or healthcare field? Yes ☐ No ☐

18) Do you have any physical or mental condition or other situation which could affect your ability to serve on a jury? Yes ☐ No ☐

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. § 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

Dated: _____ Signature: _____

[Pa.B. Doc. No. 12-2219. Filed for public inspection November 16, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rules of Civil Procedure 216, 1012, 2039 and 2206 and Revision of 1018.1, 1915.3 and 1915.7; No. 12-2319; No. 21 DR 2012

Administrative Order No. 22-2012

And Now, this 31st day of October, 2012, it is hereby *Ordered and Decried* that, effective December 1, 2012, the Carbon County Court of Common Pleas Adopts Carbon County Rule of Civil Procedure CARB.R.C.P. 216 governing the Grounds for Continuance, CARB.R.C.P. 1012 governing Entry of Appearance, Withdrawal of Appearance and Notice, CARB.R.C.P. 2039 governing Compromise, Settlement, Discontinuance and Distribution and CARB.R.C.P. 2206 governing Settlement Compromise, Discontinuance and Judgment.

It Is Further Ordered and Decried that the Carbon County Court of Common Pleas Revises CARB.R.C.P. 1018.1 governing Notice to Defend, Form, CARB.R.C.P.

1915.3 governing Commencement of Action, Complaint, Order and CARB.R.C.P. 1915.7 governing Consent Order.

The Carbon County District Court Administrator is *Ordered and Directed* to

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order in the Prothonotary's Office and the Domestic Relations Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 216. Grounds for Continuance.

All Motions for Continuance shall be filed at least three (3) working days before the scheduled event.

When a Motion for Continuance is requested because of an attachment of another Court, the Attorney shall provide a copy of said attachment with the Motion for Continuance.

Any motion filed that is not in compliance with this rule shall be entertained only if the opportunity to timely file it did not exist previously or the interest of justice requires it.

Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice.

1. Any attorney representing a party in a proceeding before this Court shall enter his appearance of record in the Prothonotary's Office by filing the appropriate praecipe. The Prothonotary shall promptly docket and make note in the record.

2. Any attorney who provides representation to a Custody or Support litigant at a Custody Conference, Support Conference and/or a Support Hearing shall be permitted to enter a Limited Appearance. The Praecipe for Entry of Limited Appearance is attached hereto as Exhibit "A".

3. Upon completion of the representation, the attorney shall file a Praecipe for Withdrawal of Limited Appearance. This Praecipe shall be filed without leave of court and shall direct the Prothonotary to send all future notices directly to the litigant and shall set forth the

litigant's last-known address. The Praeipe for Withdrawal of Limited Appearance is attached hereto as Exhibit "B".

**IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
(CIVIL ACTION/DOMESTIC RELATIONS)**

Plaintiff :
:
:
vs. : NO.
:
:
Defendant :

**PRAEPIPE FOR ENTRY OF LIMITED
APPEARANCE**

To the Prothonotary:

Kindly enter my Limited Appearance for _____
(Plaintiff's/Defendant's Name), the Plaintiff/Defendant in
the above-captioned matter.

This Appearance is limited to providing representation
on behalf of this party at the Custody Conference/Support
Conference/Support Hearing.

Name of Attorney for (Plaintiff/Defendant)

Firm

Address

City, State, Zip

Telephone Number

Supreme Court ID Number

**IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
(CIVIL ACTION/DOMESTIC RELATIONS)**

Plaintiff :
:
:
vs. : NO.
:
:
Defendant :

**PRAEPIPE FOR WITHDRAWAL OF LIMITED
APPEARANCE**

To the Prothonotary:

Kindly withdraw my Limited Appearance for _____
(Plaintiff's/Defendant's Name), the
Plaintiff/Defendant in the above-captioned matter.

Withdrawal of this Limited Appearance is permitted
pursuant to Carbon County Local Rule of Civil Procedure
CARB.R.C.P. 1012. All future notices should be sent
directly to (Plaintiff's/Defendant's Name), the Plaintiff/
Defendant, at _____ (set forth last-
known address for this party).

Name of Attorney for (Plaintiff/Defendant)

Firm

Address

City, State, Zip

Telephone Number

Supreme Court ID Number

Rule 1018.1. Notice to Defend. Form.

As required by Pa.R.C.P.1018.1(c), the following shall be
designated in the notice to defend as the person from
whom legal referral can be obtained:

**North Penn Legal Services
2 East Broad Street, Suite 205
Hazleton, PA 18201
Phone 1-877-953-4250
Fax (570) 455-3625**

or

**Carbon County Lawyer Referral
777 Blakeslee Blvd. Dr., Suite 2
Lehigh, PA 18235
Phone 1-610-379-4950
Fax (610) 379-4952**

**Rule 1915.3. Commencement of Action. Complaint.
Order.**

The person to be named in the notice shall be pursuant
to CARB.R.C.P.1018.1.

A proposed order substantially in the same form as
Form "A" following this rule shall be attached to the
complaint or petition.

An Affidavit substantially in the same form as Form
"B" following this rule shall be attached to the complaint
or petition.

**"FORM A"
IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW**

_____, :
Plaintiff/Petitioner :
:
vs. : NO.
:
_____, :
Defendant/Respondent :

- Counsel for Plaintiff

- Counsel for Defendant

ORDER OF COURT

AND NOW this ___ day of _____, 20___, it is hereby
ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial
situation of the following children:

2. In accordance with the statutory laws of this Com-
monwealth, each party shall be provided all access to the
medical, dental, religious and school records of the chil-

d(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

(a) During the week: _____

(b) Weekends: _____;

(c) Major Holidays: _____;

(d) Minor Holidays: _____;

(e) Mother's Day and Mother's Birthday shall be with the Mother;

(f) Father's Day and Father's Birthday shall be with the Father.

(g) Child(ren)'s Birthday(s): _____;

(h) Vacation/Summers: _____;

(i) Other times: _____.

7. All other periods of partial custody by either party shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonable withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. The custodial parent(s) shall not change the residence of the child(ren) if such change significantly impairs the custodial schedule or the ability of the other parent to spend time with the child(ren) and participate in the child(ren)'s life. In the event the custodial parent desires to relocate as described above, he/she shall provide Notice as required by 23 P. S. 5337. No relocation shall occur without written consent of the other parent, or without Order of Court.

12. The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

FORM "B" IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

_____	,	:
Plaintiff/Petitioner	:	:
	:	:
vs.	:	NO.
	:	:
_____	,	:
Defendant/Respondent	:	:
	:	- Counsel for Plaintiff
_____	:	- Counsel for Defendant

AFFIDAVIT

I, _____, hereby swear or affirm that I, or a member of my household (Circle One) HAVE HAVE NOT been charged, convicted of, or pleaded guilty or no contest to any of the following offenses, either in the Commonwealth of Pennsylvania or in another jurisdiction with substantially equivalent offenses as listed below:

18 Pa.C.S. Ch. 25	(relating to criminal homicide)
18 Pa.C.S. § 2702	(relating to aggravated assault)
18 Pa.C.S. § 2706	(relating to terroristic threats)
18 Pa.C.S. § 2709.1	(relating to stalking)
18 Pa.C.S. § 2901	(relating to kidnapping)
18 Pa.C.S. § 2902	(relating to unlawful restraint)
18 Pa.C.S. § 2903	(relating to false imprisonment)
18 Pa.C.S. § 2910	(relating to luring a child into a motor vehicle or structure)
18 Pa.C.S. § 3121	(relating to rape)
18 Pa.C.S. § 3122.1	(relating to statutory sexual assault)
18 Pa.C.S. § 3123	(relating to involuntary deviate sexual intercourse)
18 Pa.C.S. § 3124.1	(relating to sexual assault)
18 Pa.C.S. § 3125	(relating to aggravated indecent assault)
18 Pa.C.S. § 3126	(relating to indecent assault)

18 Pa.C.S. § 3127	(relating to indecent exposure)
18 Pa.C.S. § 3129	(relating to sexual intercourse with animal)
18 Pa.C.S. § 3130	(relating to conduct relating to sex offenders)
18 Pa.C.S. § 3301	(relating to arson and related offenses)
18 Pa.C.S. § 4302	(relating to incest)
18 Pa.C.S. § 4303	(relating to concealing death of child)
18 Pa.C.S. § 4304	(relating to endangering welfare of children)
18 Pa.C.S. § 4305	(relating to dealing in infant children)
18 Pa.C.S. § 5902(b)	(relating to prostitution and related offenses)
18 Pa.C.S. § 5903(c)	(relating to obscene and other sexual materials and performances)
or (d)	
18 Pa.C.S. § 6301	(relating to corruption of minors)
18 Pa.C.S. § 6312	(relating to sexual abuse of children)
18 Pa.C.S. § 6318	(relating to unlawful contact with minor)
18 Pa.C.S. § 6320	(relating to sexual exploitation of children)
Section 6114	(relating to contempt for violation of order or agreement)
The former	
75 Pa.C.S. § 3731	(relating to driving under influence of alcohol or controlled substance)
75 Pa.C.S. Ch. 38	(relating to driving after imbibing alcohol or utilizing drugs)

Section 13 (a) (1) of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to the extent that it prohibits the manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.

IF PARTY, LIST OFFENSE OR OFFENSES BELOW:
NONE: _____

IF YES:

NAME OF PARTY	OFFENSE	DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

LIST NAMES OF ADULTS RESIDING IN HOUSEHOLD:

IF AN OFFENSE ADDRESSES A MEMBER OF HOUSEHOLD AND NOT A PARTY, LIST THE NAME OF HOUSEHOLD MEMBER AND OFFENSE BELOW:

NONE: _____

IF YES:

NAME OF HOUSEHOLD MEMBER	OFFENSE	DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

VERIFICATION

I, the undersigned, do hereby verify that the statements made herein are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsifications to authorities).

DATE: _____

Rule 1915.7. Consent Order.

A proposed consent order substantially in the same form as Form "A" following this Rule shall be attached to the stipulation or agreement.

"FORM A"
IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO.
	:	
_____ ,	:	
Defendant	:	
_____	-	Counsel for Plaintiff
_____	-	Counsel for Defendant

ORDER OF COURT

AND NOW this ____ day of _____, 20____, upon review of the attached Agreement between the parties regarding custody of the child(ren), it is hereby

ORDERED and DECREED that said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

The custodial parent(s) shall not change the residence of the child(ren) if such change significantly impairs the custodial schedule or the ability of the other parent to spend time with the child(ren) and participate in the child(ren)'s life. In the event the custodial parent desires to relocate as described above, he/she shall provide Notice as required by 23 P. S. 5337. No relocation shall occur without written consent of the other parent, or without Order of Court.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF
CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO.
	:	
_____ ,	:	
Defendant	:	
_____	-	Counsel for Plaintiff
_____	-	Counsel for Defendant

AGREEMENT FOR ENTRY OF SHARED CUSTODY
ORDER OF COURT

AND NOW, this ____ day of _____, 20____, the following agreement is entered into upon stipulation of the parties:

1. This Agreement and ensuing Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week:_____;
- (b) Weekends:_____;
- (c) Major Holidays:_____;
- (d) Minor Holidays:_____;
- (e) Mother's Day and Mother's Birthday shall be with the Mother;
- (f) Father's Day and Father's Birthday shall be with the Father.
- (g) Child(ren)'s Birthday(s):_____;
- (h) Vacation/Summers:_____;
- (i) Other times:_____.

7. All other periods of partial custody by either party shall be by mutual agreement of both party after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. It is the intention of the parties that this agreement will be adopted into an Order of Court.

12. The filing fee for the stipulated order shall be paid by the _____ (Indicate Plaintiff or Defendant) to the Prothonotary of Carbon County simultaneous with the filing of the stipulated order.

13. The custodial parent(s) shall not change the residence of the child(ren) if such change significantly impairs the custodial schedule or the ability of the other parent to spend time with the child(ren) and participate in the child(ren)'s life. In the event the custodial parent desires to relocate as described above, he/she shall provide Notice as required by 23 P. S. 5337. No relocation shall occur without written consent of the other parent, or without Order of Court.

WITNESS AS TO PLAINTIFF PLAINTIFF

WITNESS AS TO DEFENDANT DEFENDANT

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

Rule L2039. Compromise, Settlement, Discontinuance and Distribution.

A. Settlements:

(1) Motions for Settlement of a case in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).

(2) The petition shall:

(A) Set forth the factual circumstances of the case;

(B) State the reasons why the settlement is a reasonable one; and

(C) Be accompanied by the following:

(1) A proposed order of distribution;

(2) A written report of a physician setting forth the present condition of the minor or incapacitated person;

(3) A statement under oath by a parent or guardian certifying (a) the present physical or mental condition of the minor or incapacitated person, and (b) approval of the proposed settlement and distribution thereof;

(4) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;

(5) In the event that the minor is fourteen years of age or over, his or her written approval of the proposed settlement and distribution thereof; and

(6) If there is to be an allocation between parents and children or among children, the amounts allocated to each party

(3) The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. Under normal circumstances a counsel fee in the amount of twenty-five percent (25%) of the fund recovered shall be considered reasonable, subject to the approval of the Court. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as Blue Cross/Blue Shield.

(4) The approving Judge, to whom the Petition is submitted, may, at his or her discretion, require the personal appearance of the minor, guardians, physicians, or any other relevant party, as well as, the production of any other evidence deemed necessary for adjudication of the Petition.

B. Distribution:

(1) Motions for Allowance of Distribution of funds in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).

(2) The petition shall include:

(A) The facts and circumstances surrounding the origination of the minor's fund;

(B) A chronological statement of all prior requests for allowance, including the reasons there for, the amounts thereof, and the disposition;

(C) The age of the minor at the time the fund was created and the minor's present age;

(D) The original amount of the minor's fund and the present balance of same; and

(E) The circumstances and reasons supporting the request for allowance.

(3) All petitions shall be accompanied by:

(A) A proposed Order;

(B) A copy of the Original Petition for Compromise and the Order of Distribution;

(C) Copies of all prior requests for allowances and the Orders with respect to same;

(D) Substantiating documentation to support the proposed request; and

(E) A consent filed by the petitioner.

Rule L2206. Settlement Compromise, Discontinuance and Judgment.

(1) Court approval of settlements in wrongful death cases shall be required only where a minor or incapacitated person has an interest.

(2) Motions for Settlement of a case in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).

(3) The petition shall:

(A) Set forth the factual circumstances of the case;

(B) State the reasons why the settlement is a reasonable one;

(C) Be accompanied by the following:

(1) A proposed order approving the settlement and allocation between wrongful death and survival; the proposed order shall comply substantially with the prescribed format in Form A.

(2) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;

(3) A statement setting forth the proposed allocation between wrongful death and survival actions and the amount proposed to be allocated to each beneficiary;

(4) A statement clearly identifying those parties believed to be beneficiaries under each of the actions, attaching a copy of the will of the decedent, if any;

(5) A statement setting forth the following:

(a) The time between the injury and death;

(b) Whether or not the decedent was conscious, and the circumstances prior to his or her death;

(c) The amount of the medical and funeral bills;

(d) The amount of the decedent's wage loss; and

(e) The age, employment and any other circumstances of any potential beneficiaries under the Wrongful Death Act.

(6) A certification of service of notice and a copy of the petition to all parties with a possible interest, together with a list of those persons notified.

(7) A letter from the Department of Revenue stating either their approval or objection to the proposed settlement.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

Plaintiff	:	
	:	
	:	
vs.	:	NO.
	:	
	:	
Defendant	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, upon consideration of the Motion to Compromise Wrongful Death and Survival Action filed on _____, 20____, it is hereby ORDERED that Petitioner is authorized to enter into a settlement with Defendant(s) _____ in the gross sum of (\$ _____).

It is further ORDERED and DECREED that the settlement proceeds be distributed as follows:

1. To: _____, Esq. \$ _____
For Costs
2. To: _____, Esq. \$ _____
Counsel Fees
3. The balance of the settlement,
the sum of \$ _____
is apportioned as follows:
Wrongful Death Claim \$ _____
Survival Claim \$ _____
a. The Wrongful Death Claim
shall be paid as follows:
I. To: Spouse; and/or \$ _____
ii. Adult Child(ren) \$ _____
iii. To: Minor Child(ren)¹ \$ _____
as provided hereunder

OPTION 1

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Carbon County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled in the name of the minor and shall be restricted as follows:

_____, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior Order of Court.

Counsel shall open a savings account in the sum of \$ _____ in the name of the minor. The savings account shall be restricted as follows:

_____, a minor, not to be withdrawn, before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

OPTION 2

To: _____, Guardian \$ _____
of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of Carbon County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

¹ In the event the beneficiary is an incapacitate person, appropriate changes are to be made. Counsel shall set forth in the Order a separate provision for each minor or incapacitated person.

OR

[To: Guardian of the Estate of \$ _____]

_____, a minor, upon appointment by the Orphans' Court Division of Carbon County and upon the posting of any security as required by the said Orphans' Court pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days. Counsel shall not make any Distribution to said Guardian upon appointment until this provision is fully complied with.]; and/or

iv. To: Parent(s) \$ _____

b. The Survival Claim, in the sum of \$ _____

shall be paid to _____, Administrator/Executor of the Estate of _____, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until additional security as may be required by the Register of Wills of Carbon County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within thirty (30) days from the date of this Order, counsel shall file with the Motion's Court an Affidavit from counsel certifying compliance with this Order.

BY THE COURT:

J.

[Pa.B. Doc. No. 12-2220. Filed for public inspection November 16, 2012, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 1st day of Nov. 2012, Dauphin County Local Rules of Civil Procedure 1915.3(a)2 and (b)2, 1915.7(a)4, 1915.13e, and 1920.51A are amended as follows:

Rule 1915.3. Custody Actions.

(a) Commencement of Custody Actions

* * * * *

2. In addition to the filing fees assessed for the filing of complaints, an additional administrative fee in the amount of [\$110.00] \$150.00 shall be paid to the Prothonotary simultaneously with the filing of the custody complaint or the divorce complaint which contains a custody count.

* * * * *

(b) Subsequent actions (petitions for modification or contempt)

* * * * *

2. An administrative fee of [\$110.00] \$150.00 shall be paid to the Prothonotary simultaneously with the filing of either the petition for modification of a custody order or a petition for contempt of a custody order.

* * * * *

Rule 1915.7. Agreements and Consent Orders.

(a) Agreements and consent orders filed contemporaneously with the custody complaint:

* * * * *

4. An administrative fee of [**\$110.00**] **\$150.00** shall be paid to the Prothonotary in accordance with Rule 1915.3 (a) or (b).

* * * * *

Rule 1915.13. Applications for Special Relief (Emergency Petitions for Custody).

* * * * *

e. An administrative fee of [**\$110.00**] **\$150.00** shall be paid to the Prothonotary in accordance with Rule 1915.3 (a) or 1915.3 (b). The filing party need only pay the administrative fee associated with the custody complaint or petition for modification or contempt. There shall be no additional administrative fee associated with the filing of the application for special relief.

* * * * *

Rule 1920.51A. Filing Fee; Compensation of Master and Stenographer.

(1) Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other charges, an administrative fee in the amount of [**\$100.00**] **\$125.00**.

(2) A Motion for Appointment of Master and a proposed order shall be in the form prescribed by Pa.R.C.P. 1920.74 and shall be filed with the Prothonotary. Simultaneously with the filing of the Motion for Appointment of Master, an administrative fee of [**\$125.00**] **\$150.00** shall be paid to the Prothonotary in addition to any other charges. Divorce Masters shall be appointed by the Court when the requirements of Dauphin County Local Rule 1920.51(a)(3) have been met.

* * * * *

These amendments shall be effective January 1, 2013.
By the Court

TODD A. HOOVER,
President Judge

[Pa.B. Doc. No. 12-2221. Filed for public inspection November 16, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Enforcement

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 25, 2012, meeting amended § 131.3 (relating to enforcement) to eliminate the reference to the Department of Environmental Resources and replace it with a reference to Department of Conservation and Natural Resources and also to update the reference to the Commission's officers as Wildlife Conservation Officers.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 5236 (August 11, 2012).

1. Purpose and Authority

On July 1, 1995, relevant portions of the Conservation and Natural Resources Act (71 P.S. §§ 1340.101—1340.1103) effectively created the Department of Conservation and Natural Resources and changed the name of the Department of Environmental Resources to the Department of Environmental Protection. The 1995 name changes were not incorporated in § 131.3. The Commission amended § 131.3 to eliminate the reference to the Department of Environmental Resources by updating the reference to the Department of Conservation and Natural Resources. The Commission also updated the reference to the Commission's officers as Wildlife Conservation Officers. This final-form rulemaking is nonsubstantive and is not intended to further expand or further limit the enforcement authority of any classification of officer.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 131.3 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 131.3 to eliminate the reference to the Department of Environmental Resources and replace it with a reference to Department of Conservation and Natural Resources and to also update the reference to the Commission's officers as Wildlife Conservation Officers.

3. Persons Affected

Enforcement personnel of the Department of Conservation and Natural Resources will be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 131, are amended by amending § 131.3 to read as set forth at 42 Pa.B. 5236.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 5236 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-345 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-2222. Filed for public inspection November 16, 2012, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 25, 2012, meeting amended § 133.21 (relating to classification of birds) to reflect the current status of breeding populations of threatened and endangered wild birds within this Commonwealth and also to update scientific nomenclature.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 5238 (August 11, 2012).

1. Purpose and Authority

The Commission amended § 133.21 to reflect the current status of breeding populations of threatened and endangered wild birds within this Commonwealth and also to update scientific nomenclature. The upland sandpiper, a grassland nesting bird long classified as threatened, has declined precipitously over the last two decades and has virtually disappeared from this Commonwealth. The Commission believes its rarity and diminished breeding range warrant downgrading its status to endangered. The northern harrier, once a rare but regular breeder in this Commonwealth, has experienced a marked decline in this Commonwealth as well as declines in northwest and northcentral regions over the last few decades, prompting a proposal to list this species as threatened. The northern harrier is listed as either endangered or threatened in all neighboring states. Long-eared owls are extremely rare breeders in this Commonwealth, and difficult to survey. Nesting locations have been confirmed in only seven locations in recent years despite a concerted survey effort over much of the last decade. Most nests are located in the Ridge and Valley and Appalachian Plateau regions. The rarity and diffuse scattering of nest records within this Commonwealth have prompted this final-form rulemaking to list the long-eared owl as threatened. Finally, in a major reorganization of warbler nomenclature in 2011 by the American Ornithologist's Union, the genus *Dendroica* was changed to *Setophaga* necessitating this administrative change in the scientific name of the endangered blackpoll warbler.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Add to or change the classification of any wild bird or wild animal." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 133.21 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 133.21 to reflect the current status of breeding populations of threatened and endangered wild birds in this Commonwealth and also to update scientific nomenclature.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 133, are amended by amending § 133.21 to read as set forth at 42 Pa.B. 5238.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 5238 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-344 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-2223. Filed for public inspection November 16, 2012, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; Unlawful Actions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 25, 2012, meeting amended § 135.2 (relating to unlawful actions) to create a regulatory violation to possess, maintain, operate, occupy or travel by all-terrain vehicle (ATV) or snowmobile in a manner not in accordance with the standards in 75 Pa.C.S. (relating to Vehicle Code).

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 5235 (August 11, 2012).

1. Purpose and Authority

Unauthorized ATV operation on State game lands and hunter access cooperator properties continues to be one of the top ten violations Wildlife Conservation Officers (WCO) encounter each year. Illegal ATV operation has been identified as a major source of wildlife habitat destruction across the landscapes of these lands and waters. These usage violations are very often accompanied by ATV classification offenses (registration, insurance, and the like) as set forth in 75 Pa.C.S. Under current law, WCOs do not have authority to enforce 75 Pa.C.S. summary offenses. The Commission normally forwards these violations to other enforcement authorities. This practice typically ends in mixed results. Delays and jurisdictional problems often result in significant challenges in the processing of these cases successfully. The Commission amended § 135.2 to create a regulatory violation to possess, maintain, operate, occupy or travel by ATV or snowmobile in a manner not in accordance with the standards in 75 Pa.C.S. This final-form rulemaking will ensure safe and effective enforcement of these requirements occurring on lands and waters under Commission ownership, lease, agreement or control.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 135.2 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 135.2 to create a regulatory violation to possess, maintain, operate, occupy or travel by ATV or snowmobile in a manner not in accordance with the standards in 75 Pa.C.S.

3. Persons Affected

Persons operating snowmobiles or ATVs on lands or waters under Commission ownership, lease, agreement or jurisdiction may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.2 to read as set forth at 42 Pa.B. 5235.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 5235 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-346 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-2224. Filed for public inspection November 16, 2012, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Permitted Devices

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 25, 2012, meeting amended § 141.18 (relating to permitted devices) to permit the use of electronic crow decoys to hunt crows.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 5234 (August 11, 2012).

1. Purpose and Authority

Each year the Commission is asked to review the potential use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation. As part of the review process, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity or public safety. The Commission has recently been requested to review the use of electronic crow decoys for use in the hunting of crows. After

thoughtful review, the Commission determined that use of these devices for crow hunting purposes would be acceptable due to negligible impacts to the previously mentioned principles.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.18 are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 141.18 to permit the use of electronic crow decoys to hunt crows.

3. Persons Affected

Persons wishing to hunt crows through the use of crow decoys within this Commonwealth may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.18 to read as set forth at 42 Pa.B. 5234.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 5234 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-347 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-2225. Filed for public inspection November 16, 2012, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Nuisance Wildlife Control Operator

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 25, 2012, meeting amended § 147.724 (relating to nuisance wildlife control operator examination) to require applicants to take the required examination within 180 days of the final approval of their applications by the Bureau of Wildlife Protection (Bureau) and limit approved applicants to a total of two opportunities to take the examination each permit year. The Commission also rescinded § 147.724a and added these requirements to § 147.724.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 5236 (August 11, 2012).

1. Purpose and Authority

Each year the Commission processes a few hundred nuisance wildlife control operator applications. The application process ends with an examination that shall be passed with a minimum score of 80% before a permit will be issued. In numerous instances, applicants never take the examination or contact the Commission after an extended period of time and request the opportunity to take the examination. Prior to this final-form rulemaking, § 147.724 did not limit an applicant from taking the examination months or even years after his initial application. The deferral in time often resulted in unreasonable administrative difficulties for the Commission in its attempt to accommodate the delayed testing for these applicants. The Commission amended § 147.724 to require applicants to take the required examination within 180 days of the final approval of their applications by the Bureau.

The nuisance wildlife control operator examination has a high failure rate. This is normally the result of the applicant not reviewing or studying the materials provided by the Commission. The Commission recently identified a significant rise in the number of applicants retesting, sometimes multiple times in a single year, in an attempt to learn the material from the test and ultimately pass the examination. Prior to this final-form rulemaking, § 147.724 did not limit the number of times an approved applicant could take the required examina-

tion. The Commission amended § 147.724 to limit approved applicants to a total of two opportunities to take the examination each permit year.

Lastly, the Commission rescinded § 147.724a and added the requirements to § 147.724. This amendment is nonsubstantive and does not create or remove regulatory requirements.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 147.724 and the rescission of § 147.724a are adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 147.724 to require applicants to take the required examination within 180 days of the final approval of their applications by the Bureau and limits approved applicants to a total of two opportunities to take the examination each permit year. The final-form rulemaking rescinds § 147.724a and adds the requirements to § 147.724.

3. Persons Affected

Persons wishing to apply for a nuisance wildlife control operator permit may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by deleting § 147.724a and amending § 147.724 to read as set forth at 42 Pa.B. 5236.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 5236 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-348 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 12-2226. Filed for public inspection November 16, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Notice of Suspension of 2% Biodiesel Content Mandate

The Department of Agriculture (Department) received a request to suspend the 2% biodiesel content mandate in diesel fuel sold for on-road use arising from section 3(a)(1) of the Biofuel Development and In-State Production Incentive Act (act) (73 P.S. § 1650.3(a)(1)). The request is made under section 5(d) of the act (73 P.S. § 1650.5(d)), which states the Department, in consultation with the Department of Environmental Protection (DEP), may suspend or modify to reduce the mandated content required by section 1650.3(a)(1) of the act if the Department determines that doing so is warranted by factors, including, but not limited to, substantially increased costs to consumers or insufficient quantity or distribution of biodiesel. The widespread power outages and flooding caused by Hurricane Sandy have resulted in a shortage of 2% biodiesel blend in certain areas of this Commonwealth.

The Department, in consultation with DEP, has evaluated the impact of fuel supplies as a result of disruptions to the fuel distribution system. Based on this evaluation, the Department has determined and DEP concurs, that it is necessary to take the following action to minimize or prevent disruption of the supply of diesel in this Commonwealth.

The Department on November 2, 2012, issued a suspension of the 2% biodiesel mandate imposed under section

1650.3(a)(1) of the act effective immediately in this entire Commonwealth and expiring at 12 a.m. on November 12, 2012.

- All retailers, as defined in the act, who take delivery of diesel fuel not compliant with the 2% biodiesel mandate during the period of suspension may sell to consumers after the suspension expires that noncompliant diesel fuel already in their possession.

- An entity, other than a retailer, who does not blend biodiesel with diesel fuel who takes delivery of diesel fuel not compliant with the 2% biodiesel mandate during the period of suspension may sell to retailers or distributors after the suspension expires that noncompliant diesel fuel already in their possession.

- Except as set forth previously, any new deliveries to a retailer after the suspension expires will be subject to all provisions of the act.

The Department will continue to monitor the impact of Hurricane Sandy on the fuel supply situation. Should conditions warrant, this suspension may be modified, terminated or extended, as appropriate.

Questions about this suspension should be directed to the Department through either Deputy Secretary James Howes or Bureau of Ride and Measurement Standards Director Walter Remmert.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 12-2227. Filed for public inspection November 16, 2012, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 30, 2012.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-26-2012	Indiana First Savings Bank Indiana Indiana County Indiana First Savings Bank, a mutual savings bank, proposes to reorganize into a two-tier, mutual holding company structure.	Approved

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-24-2012	PeoplesBank, A Codorus Valley Company Glen Rock York County	3160 Carlisle Road Dover York County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-12-2011	TruMarkFinancial Credit Union Trevose Bucks County	333 Centennial Road Warminster Bucks County	Opened

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2228. Filed for public inspection November 16, 2012, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2012

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December, 2012, is 4 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.13 to which was added 2.50 percentage points for a total of 4.63 that by law is rounded off to the nearest quarter at 4 3/4%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2229. Filed for public inspection November 16, 2012, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

FDC-015-7507.1—Fuel Tank Removal and Replacement, District Office, Forest District 15, Susquehannock State Forest, Sweden Township, Potter County. Work included under this contract consists of the removal of a 2,000-gallon underground gasoline storage tank and the installation of a 2,000-gallon aboveground gasoline storage tank. Bid documents will be available on or after November 19, 2012. The bid opening will be held on December 20, 2012.

FDC-020-7549.1—Bank Stabilization and Slide Repair, Dry Run Picnic Area and Hillsgrove Maintenance Complex, Forest District 20, Loyalsock State Forest, Hillsgrove Township, Sullivan County. Work included under this contract consists of bank stabilization utilizing rip rap, placement of large boulders, erosion control blankets, seeding and mulching. Also included is 340 square yards of driving surface aggregate in an existing parking lot and extension of one corrugated culvert pipe. Bid documents will be available on or after November 19, 2012. The bid opening will be held on December 20, 2012.

FDC-133-6248.1—Waste Water Treatment Plant Retrofit, Bald Eagle State Park, Liberty Township, Centre County. Work included under this contract consists of replacing the outdated blower/motors with new efficient blower/motors that include Variable Frequency Drives. An anoxic zone and associated sludge recycling system will be installed in each aeration basin for Biological Nutrient Removal to reduce the Total Nitrogen concentrations. Mixers will be installed in the anoxic zones to prevent solids from settling. Aluminum Sulfate and Sodium Hydroxide chemical delivery systems will be installed to reduce the Total Phosphorous concentrations. Analytical probes with associated meters will be installed to monitor and adjust the new aforementioned nutrient reduction system. Bid documents will be available on or after November 19, 2012. The bid opening will be held on December 20, 2012.

FDC-450-7482.1—Superstructure Replacement—Bridge A: No. 50-3587, Bridge Five Lane over Delaware Canal, Tinicum Township and Bridge B: No. 50-2721, Upper Limeport Road over Delaware Canal, Solebury Township, Delaware Canal State Park, Bucks County. Work included under this contract:

Bridge A: No. 50-3587: Consists of removing an existing adjacent box-beam superstructure, reconstructing portions of each abutment and providing and installing a new adjacent box beam superstructure, including associated approach work. The new superstructure will have full sawn timber structure mounted railing and cosmetic red timber trusses.

Bridge B: No. 50-2721: Consists of removing an existing adjacent box-beam superstructure, reconstructing portions of each abutment and providing and installing a new adjacent box beam superstructure, including associated approach work. The new superstructure will have full sawn timber structure mounted railing and cosmetic red timber trusses.

Bid documents will be available on or after November 19, 2012. The bid opening will be held on December 20, 2012.

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 12-2230. Filed for public inspection November 16, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0244121 (Sewage)	Longo SRSTP 131 Shea Lane Glenmoore, PA 19343	Chester County Upper Uwchlan Township	Unnamed Tributary to Black Horse Creek (3-H)	Y

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0055352 (Sew)	Berks Properties, Inc. 3613 Seisholtzville Road Hereford, PA 18056	Berks County Hereford Township	West Branch Perkiomen Creek / 3-E	Y
PA0261041 (CAFO)	Karlin Lynch Farm 138 Mays Chapel Road Warfordsburg, PA 17267	Fulton County Bethel Township	Deer Lick Run / 13-B	Y
PA0039730 (Sew)	RRP Recreation LP 100 Chipmunk Crossing Entriken, PA 16638	Huntingdon County Lincoln Township	Tatman Run / 11-D	Y
PA0082228 (Sew)	Hilltop Acrea MHP, LLC PO Box 251 Morgantown, PA 19453	Lancaster County Rapho Township	Chickies Creek / 7-G	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PA0011631, Storm Water, SIC Code 4911, **Exelon Generation Co. LLC**, 200 Exelon Way, Kennett Square, PA 19348. Facility Name: Cromby Gen Station. This existing facility is located in East Pikeland Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Storm Water.

The receiving stream(s), Schuylkill River and Stony Run, is located in State Water Plan watershed 3-D and is classified for High Quality Waters—Trout Stocking, Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002, 004 and 009 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
Total PCBs (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

PCBs monitoring Requirements

Storm water Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0052159, SIC Code 4941, **Aqua Pennsylvania Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. Facility Name: Ridley Creek Water Treatment Plant. This existing facility is located in Middletown Township, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream(s), Ridley Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10.0
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on an emergency discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10.0
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 004 are based on an intermittent discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2

In addition, the permit contains the following major special conditions:

A. Remedial Measures if Unsatisfactory Effluent

B. Applicable BAT if Developed

C. Change of Ownership

D. Chlorine Minimization

- E. Proper Sludge Disposal
- F. TMDL/WLA Requirement
- G. Laboratory Certification
- H. Sedimentation Basin Cleaning
- I. Chemical Additive Condition

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0244601, SIC Code 4953, **Pottstown Industrial Investments LLC**, 1751 Easton Road, Willow Grove, PA 19090. Facility Name: Flag Brass Landfill. This proposed facility is located in West Pottsgrove Township, **Montgomery County**.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge of landfill leachate and storm water.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0225 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand	XXX	XXX	XXX	20	40	50
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2500
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ammonia-Nitrogen	XXX	XXX	XXX	10	XXX	20
Total Arsenic	XXX	XXX	XXX	0.05	0.10	0.12
Total Cadmium	XXX	XXX	XXX	0.05	0.10	0.12
Total Chromium	XXX	XXX	XXX	0.10	0.20	0.25
Total Copper	XXX	XXX	XXX	0.10	0.20	0.25
Free Available Cyanide	XXX	XXX	XXX	0.10	XXX	0.20
Dissolved Iron	XXX	XXX	XXX	Report	7.0 Max	XXX
Total Lead	XXX	XXX	XXX	0.10	0.20	0.25
Total Mercury	XXX	XXX	XXX	0.001	0.002	0.0025
Total Nickel	XXX	XXX	XXX	0.10	0.20	0.25
Total Silver	XXX	XXX	XXX	0.10	0.20	0.25
Total Zinc	XXX	XXX	XXX	0.50	1.00	1.25

The proposed effluent limits for Outfall 002 for storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Storm water Requirement
- Test Methods

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

PA0234117, Sewage, SIC Code 4952, **West Branch Regional Authority**, 35 S Main Street, Montgomery, PA 17752-1120. Facility Name: West Branch Regional Authority WWTP. This proposed facility is located in Clinton Township, **Lycoming County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.4 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	500	800	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	600	900	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Total Copper	Report	Report	XXX	Report	Report	XXX
					Daily Max	
Total Lead	Report	Report	XXX	Report	Report	XXX
					Daily Max	

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	41095			
Net Total Phosphorus	Report	5479			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in not effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401.

WQM Permit No. WQG02151207, Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380-6107.

This proposed facility is located in East Goshen Township, **Chester County**.

Description of Action/Activity: Construction and operation of a force main extension to divert Hershey Mill Pump Station flows from West Goshen's Chester Creek STP to East Goshen's Ridley Creek STP.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 2812403, Sewerage, **Ron Sailhamer**, 494 East King Street, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction / operation of a small flow treatment facility for single family residence.

WQM Permit No. 2812404, Sewerage, **Ron Sailhamer**, 494 East King Street, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction / operation of a small flow treatment facility for single family residence.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 1506004-R	Longview Swinehart, LP 1055 Westlakes Drive, Ste 1709 Berwyn, PA 19312	Chester	West Brandywine Township	Beaver Creek (CWF); Culbertson Run (HQ-TSF-MF)
PAI01 5106002-R Phase 27	City of Philadelphia, Division of Aviation, Philadelphia International Airport Terminal D-3 3rd Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Mingo Creek/Delaware River (WWF-MF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024505024R	Hannig Development LLC 200 Plaza Court E. Stroudsburg, PA 18301	Monroe	Tobyhanna Twp.	Tobyhanna Creek, HQ-CWF, MF

Wayne County Conservation District: 648 Park St., Honesdale, PA 18431, 570-253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI026412008	PPL Electric Utilities Two North Ninth St. GENN 5 Allentown, PA 18101	Wayne and Lackawanna	Archbald Borough & Jefferson Twp., Lackawanna County; South Canaan Twp., Cherry Ridge Twp., Texas Twp., & Honesdale Borough, Wayne County	Laurel Run, CWF, MF; White Oak Run, CWF, MF; Lackawanna River, CWF, MF; Middle Creek, HQ-CWF, MF; West Branch Lackawaxen River, HQ-CWF, MF; Lackawaxen River, HQ-TSF, MF

Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024806010R	Salvatore Checho 3 Twins Realty Partners 287 Park Ave. Bangor, PA 18013	Northampton	Plainfield Twp.	Bushkill Creek, HQ-CWF, MF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 4611532, Public Water Supply

Applicant	Spruce Court Apartments
Borough	Royersford
County	Montgomery
Responsible Official	Arnold Galman 261 Old York Road Jenkintown, PA 19406
Type of Facility	PWS

Consulting Engineer George W. Ruby
Ruby Engineering
3605 Island Club Drive
Unit #9
North Port, Florida 34288-0174

Application Received August 26, 2011
Date

Description of Action Installation of chlorine injection
and chlorine contact tanks,
certification of 4-log treatment of
viruses, water softeners, and
sodium carbonate feed for pH
adjustment.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Permit No. 0212507, (republish) Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
1200 Penn Avenue
Pittsburgh, PA 15222
[Township or Borough] City of Pittsburgh

Responsible Official Tom Palmosina
Pittsburgh Water & Sewer Authority
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer

Application Received January 3, 2012
Date

Description of Action Installation of an emergency
chlorine booster station.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 5612507GWR, Minor Amendment.

Applicant **Somerset Township Municipal Authority**
PO Box 247
Somerset, PA 15501
[Township or Borough] Somerset Township

Responsible Official David Hottle, Operator
Somerset Township Municipal
Authority
PO Box 247
Somerset, PA 15501

Type of Facility Water system

Consulting Engineer Somerset Planning & Engineering
Services, LLC
222 West Main Street
Suite 100
Somerset, PA 15501

Application Received Date October 25, 2012

Description of Action Resubmittal of the demonstration
of 4-log treatment for groundwater
sources.

Application No. 6512515GWR, Minor Amendment.

Applicant **Pineview Manor MHP**
600 Pineview Drive
Elizabeth, PA 15037

[Township or
Borough] Hempfield

Responsible Official Frank Taddeo, Owner
Pineview Manor MHP
600 Pineview Drive
Elizabeth, PA 15037

Type of Facility Water system

Consulting Engineer

Application Received Date November 5, 2012

Description of Action Demonstration of 4-log treatment
for groundwater sources.

Application No. 2612503MA, Minor Amendment.

Applicant **Pennsylvania American Water
Company**
800 West Hersheypark Drive
Hershey, PA 17033

[Township or
Borough] South Union Township

Responsible Official David R. Kaufmann,
Vice-President-Engineering
Pennsylvania American Water
Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer

Application Received Date October 24, 2012

Description of Action Painting and rehabilitation of the
Hopwood water storage tank.

Application No. 0212525MA, Minor Amendment.

Applicant **Pennsylvania American Water
Company**
800 West Hersheypark Drive
Hershey, PA 17033

[Township or
Borough] Bethel Park Borough

Responsible Official David R. Kaufmann,
Vice-President-Engineering
Pennsylvania American Water
Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer

Application Received Date October 24, 2012

Description of Action Painting and rehabilitation of the
Rocky Ridge #20 water storage
tank.

Application No. 0212526MA, Minor Amendment.

Applicant **Pennsylvania American Water
Company**
800 West Hersheypark Drive
Hershey, PA 17033

[Township or
Borough] Liberty Borough

Responsible Official David R. Kaufmann,
Vice-President-Engineering
Pennsylvania American Water
Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer

Application Received Date October 24, 2012

Description of Action Painting and rehabilitation of the
Liberty Borough water storage
tank.

Application No. 0312505MA, Minor Amendment.

Applicant **Kittanning-Plumcreek Water
Authority**
274 Schall Road
Kittanning, PA 16201

[Township or
Borough] Kittanning Township

Responsible Official Robert J. Kozicki, Chairman
Kittanning-Plumcreek Water
Authority
274 Schall Road
Kittanning, PA 16201

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date October 31, 2012

Description of Action Installation of approximately
1,450 feet of 8-inch waterline and
285 feet of 2-inch waterline; and
relocation of an existing
interconnection vault with the
Manor Township Joint Municipal
Authority.

Application No. 5612506MA, Minor Amendment.

Applicant	Confluence Borough Municipal Authority 711 Logan Place Confluence, PA 15424
[Township or Borough]	Lower Turkeyfoot Borough
Responsible Official	Ed Nace, Water Treatment Plant Operator Confluence Borough Municipal Authority 711 Logan Place Confluence, PA 15424
Type of Facility	Water system
Consulting Engineer	CME Engineering, LP 27 East Main Street Frostburg, MD 21532
Application Received Date	August 23, 2012
Description of Action	Installation of a pump and waterline to convey water from an existing clearwell to the existing chlorine contact tank.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Application No. 2490501-MA4, Minor Amendment.

Applicant	Johnsonburg Municipal Authority
Township or Borough	Johnsonburg Borough
Responsible Official	Lisa Sorg
Type of Facility	Public Water Supply
Consulting Engineer	Mark V. Glenn, P.E. Gwin, Dobson and Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	October 19, 2012
Description of Action	Silver Creek WTP—Filtration flow rates.

Application No. 2064-T1-MA3, Minor Amendment.

Applicant	Johnsonburg Municipal Authority
Township or Borough	Ridgway Township
Responsible Official	Lisa Sorg
Type of Facility	Public Water Supply
Consulting Engineer	Mark V. Glenn, P.E. Gwin, Dobson and Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	October 19, 2012
Description of Action	Powers Run WTP—Distribution pumping stations.

AIR QUALITY**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating

Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

30-00089C: Dominion Transmission, Inc. (501 Martindale Street, 4th Floor, DL Clark Building, Pittsburgh, PA 15212) for installation of a third natural gas Turbine, a natural gas-fired boiler and four natural gas-fired microturbines at their Crayne Compressor Station in Franklin Township, **Greene County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—
Telephone: 814-332-6636

43-152B: JMC Steel Group—Wheatland Tube Division (134 Mill Street, Sharon, PA 16146) for reactivation of Source 102 (Buttweld Furnace) in Sharon City, **Mercer County**. This is a State Only facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—
Telephone: 814-332-6636

25-1034A: Emkey Gas Processing (Concord Road, Union City, PA 16438) for construction of a 10 mmscfd gas processing facility in Union City Township, **Erie County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

The application received notice was previously published under: 25-1034A: Elkhorn Gas Processing, LLC (Route 178 (Concord Road—2.1 miles SE of Union City), Union City, PA 16438). A change of ownership was submitted for this application on September 19, 2012.

The construction of the 10 mmscfd gas processing facility which consists of a propane refrigeration compressor with oxidation catalyst, two inlet compressors with oxidation catalysts, a heat medium heater, several storage tanks, and the gas processing plant could result in an increase in emissions of 10.767 tpy for VOC, 18.953 tpy for NO_x, 12.391 tpy for CO, 2.527 tpy for PM/PM₁₀/PM_{2.5}, 0.043 tpy for SO_x, and 7,685.99 tpy for CO_{2(e)}. This Plan Approval will contain emission restriction, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- The facility is subject to 40 CFR 60 Subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution)
- Source 101 (Propane Compressor)
 - NO_x at rated brake horsepower and operating at rated speed—1.0 grams per brake horsepower-hour (gms/bhp-hr) for gas fired units; [Compliance with this condition will assure compliance with 40 CFR 60.4233(e)]
 - VOC (NMNEHC) at rated brake horsepower and operating at rated speed—0.33 gms/bhp-hr as propane; [Compliance with this condition will assure compliance with 40 CFR 60.4233(e)]
 - CO at rated brake horsepower and operating at rated speed—0.23 gms/bhp-hr; [Compliance with this condition will assure compliance with 40 CFR 60.4233(e)]
 - Formaldehyde at rated horsepower and operating at rated speed—0.09 gms/bhp-hr
 - Subject to 40 CFR 60 Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines)

- The permittee shall adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- o Catalyst Temperature: 450 to 650F or as established during compliant testing

- Source 102A and 102B (Inlet Compressor A & B)

- NO_x at rated brake horsepower and operating at rated speed—1.0 grams per brake horsepower-hour (gms/bhp-hr) for gas fired units

- VOC (NMNEHC) at rated brake horsepower and operating at rated speed—0.24 gms/bhp-hr as propane

- CO at rated brake horsepower and operating at rated speed—0.41 gms/bhp-hr

- Formaldehyde at rated horsepower and operating at rated speed—0.09 gms/bhp-hr

- Subject to 40 CFR 63 Subpart ZZZZ (National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines)

- The permittee shall adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- o Catalyst Temperature: 450 to 650F or as established during compliant testing

- Source 103 (Heat Medium Heater) & Source 104 (Storage Tanks)

- The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- Source 105 (Equipment Leaks—Gas Processing Plant)

- Subject to 40 CFR 60 Subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry)

- Subject to 40 CFR 60 Subpart KKK (Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants)

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of

Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-1034A] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335, (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for state only operating permits or §§ 127.521—127.524 for Title V operating permits.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N12-038: Methodist Hospital—Thomas Jefferson Health System (2301 South Broad Street, Philadelphia, PA 19148) for operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a two (2) #2 oil or natural gas fired 16.76 MMBTU/hr boilers, and two (2) No. 2 oil fired emergency generators

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PUBLIC HEARINGS

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon Air Quality Permitting Chief—Telephone: 717-705-4702

36-03189A & 36-05158A: Perdue Grain & Oil Seed, LLC (PO Box 1537, Salisbury, MD 21802-1537) for the

installation of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**.

The public hearing concerns two separate potential permitting actions, as follows:

1.) Draft Plan Approval No. 36-03189A has been prepared by the Department for the installation of grain elevator operations. This will be Phase 1 (of 2) in the overall project. The proposed grain elevator will have the potential-to-emit 58.59 tpy PM, 15.86 tpy PM₁₀, 3.25 tpy PM_{2.5}, 0.20 tpy SO_x, 28.50 tpy CO, 24.58 tpy NO_x, 3.02 tpy VOC, 0.62 tpy of a single HAP (n-hexane), 0.64 tpy combined HAPs, and 47,270.50 tpy CO₂. The plan approval will contain monitoring, recordkeeping, reporting & work practice standards designed to keep the facility operating within all applicable air quality requirements. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart DD—Standards of Performance for Grain Elevators.

2.) Plan Approval Application No. 36-05158A was recently submitted by the applicant for a proposed soybean oil extraction facility. This application is currently under review by the Department, and a draft plan approval has not yet been finalized. The extraction facility will be Phase 2 of the overall project. According to the applicant, the extraction facility will have the potential-to-emit 84.65 tpy PM, 21.04 tpy PM₁₀, 3.66 tpy PM_{2.5}, 0.00 tpy SO_x, 0.43 tpy CO, 0.37 tpy NO_x, 245.63 tpy VOC, 110.52 tpy of a single HAP (n-hexane), 110.94 tpy combined HAPs, and 711.48 tpy CO₂. The extraction facility is also expected to be subject to 40 CFR 63, Subpart GGGG—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production, the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64, and Nonattainment New Source Review (NNSR) for VOC emissions. The NNSR regulations address Lowest Achievable Emission Rate (LAER), and emission reduction credit (ERC) requirements.

Copies of the plan approval applications, DEP's analyses of the Phase 1 application, and other relevant information are available for public review at DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. An appointment to review the documents may be scheduled by contacting Anne Krasevic at 717-705-4732 between 8:00 A.M. and 3:30 P.M., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the Phase 2 application and on the proposed Phase 1 plan approval. The hearing will be held from 6:00 PM to 8:00 PM on Thursday, December 13, 2012 at the Hellam Fire Company Hall, at 163 East Market Street, Hellam, PA 17406. The public is invited to comment on the proposed plan approvals. Persons wishing to give testimony at the hearing should contact Dawne Wilkes at 717-705-4702 to reserve a time to present any testimony. Oral testimony will be limited to 10 minutes. All groups or organizations are required to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearing. Persons interested in submitting written comments should send their comments to Thomas Hanlon, Air Quality Permitting Chief, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, within thirty (30) days of this notice.

If you are a person with a disability wishing to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings,

please contact Lisa Kasianowitz at 717-787-1323 or through the AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

48-00005: Hercules Cement Co., LP—dba Buzzi Unicem USA (501 Center Street, Stockertown, PA 18083) to issue a renewal Title V Operating Permit in Stockertown Borough, **Northampton County**.

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a renewal Title V Operating Permit to Hercules Cement Co., LP, /dba/Buzzi Unicem USA, located in Stockertown Borough, Northampton County. The contact regarding this application is Mr. Keith Williams, E & S Manager, 501 Center Street, Stockertown, PA 18083.

The facility has numerous sources within the following process areas of the facility including: Quarry, Raw Mill, Preheater/Precalciner/Kiln, Clinker Cooling, Finish Milling, Packing/Stockhouse/Loadout, Solid Fossil Fuel Mill and one (1) Boiler. These sources have the potential to emit major quantities of Carbon Monoxide (CO) Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x) and Particulate Matter (PM_{2.5}, PM-10) emissions above the Title V emission thresholds. The facility is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed renewal Title V operating permit will incorporate all applicable air quality requirements for each significant source at the facility.

Copies of the Title V applications, DEP's analysis and other relevant documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person(s) submitting the comments, the reference number of the proposed permit (specifically permit #48-00005) and concise statements regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or in the *Pennsylvania Bulletin*, or by telephone, where the DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Norman Frederick, Chief, Facilities Permitting Section, Department of Environmental Protec-

tion, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. For additional information, contact David F. Matcho, Permit Reviewer, Air Quality Program at the same address and phone number.

48-00005: Hercules Cement Co., LP—dba/Buzzi Unicem USA (501 Center Street, Stockertown, PA 18083) for renewal of a Title V Operating Permit for a cement manufacturing facility in Stockertown Borough, **Northampton County**. The facility has numerous sources within the following process areas of the facility including: Quarry, Raw Mill, Preheater /Precalciner/Kiln, Clinker Cooling, Finish Milling, Packing/Stockhouse/Loadout, Solid Fossil Fuel Mill and one (1) Boiler. These sources have the potential to emit major quantities of Carbon Monoxide (CO) Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x) and Particulate Matter (PM_{2.5}, PM-10) emissions above the Title V emission thresholds. The facility is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed renewal Title V operating permit will incorporate all applicable air quality requirements for each significant source at the facility. The proposed renewal Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, record keeping and reporting conditions regarding compliance with all applicable requirements are included.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

32-00040: GenOn Wholesale Generation L.P., 121 Champion Way, Suite 200, Canonsburg, PA 15317) for continued operation of a coal refuse-fired power plant, known as the Seward Generating Station, in East Wheatfield Township, Indiana **Fayette County**.

In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department intends to issue a Title V Operating Permit and Phase II Acid Rain Permit for continued operation of a coal refuse-fired power plant, known as the Seward Generating Station, located in East Wheatfield Township, Indiana Fayette County.

The main sources at the facility are two (2) circulating fluidized bed (CFB) waste coal-fired boilers (Source IDs 034 and 035), with maximum fuel heat inputs of 2,532 MMBtu/hour, each, which power a single electrical generator. Net electrical output from the twin boiler system is 521-MW. Emissions from the CFB boilers are controlled by limestone fed into the fluidized bed, selective non-catalytic reduction systems (SNCR) and low combustion temperatures to control NO_x emissions, flash dryer absorber (FDA), coarse particulate cyclone separation with reinjection into the bed, followed by pulsejet cleaned fabric filters to control PM emissions and further control SO₂ emissions. Low grade virgin coal is also burned in the boilers as necessary, and No. 2 fuel oil is combusted during startup and emergencies. Collection of SO₂ and acid gases, including hydrochloric acid and hydrofluoric acid, by calcium in the limestone takes place in the boiler, FDA, cyclone, and fabric filter. Supporting equipment at the site includes one 600-bhp emergency diesel generator engine, one 685-bhp emergency diesel firepump engine, one 600-bhp emergency diesel boiler feedwater engine, one 265-bhp emergency diesel firewater pump engine, two diesel air compressor engines (440-bhp & 300-bhp), a 100,000 gas fuel oil storage tank, coal handling and

conveying equipment including a fuel barn, four, fuel oil-fired limestone dryers, with a total heat input capacity of 68 MMBtu per hour, and plant roads. The facility is limited to a maximum opacity from any processing equipment of 20 percent. This facility has the potential to emit the following type and quantity of pollutants: 312 tons per year of PM₁₀, 3,361 tons per year of NO_x, 3,346 tons per year of CO, 113 tons per year of VOC, 13,385 tons per year of SO₂, 144 tons per year of ammonia, 0.15 tons per year of lead, 0.28 pounds per year of mercury, and 5,417,000 tons of CO₂e greenhouse gases. No equipment or emission changes are being approved by this action. The facility is subject to 40 CFR 60, Subpart Da—Standards of Performance for Electric Utility Steam Generating Units, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and 40 CFR, Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines and Subpart UUUUU—National Emission Standards for Hazardous Pollutants for Coal- and Oil-fired Electric Steam Utility Steam Generating Units, as well as 40 CFR 64—Compliance Assurance Monitoring, and state requirements. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, and reporting requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Major Source Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit OP-32-00040) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00052: Crozer Chester Medical Center (One Medical Center Boulevard, Upland, PA 19013-3995) for operation of a hospital in Upland Borough, **Delaware County**. The permit is for a non-Title V (State only)

facility. The hospital has a previously federally-enforceable potential to emit limit of 24.95 TPY of NO_x. No sources have been installed since the permit was last issued on February 1, 2008. There are several new regulations that apply to the boilers (40 CFR 63, Subpart JJJJJ) and the emergency generators (40 CFR 63, Subpart ZZZZ). These have been addressed in the renewal operating permit. The facility is not subject to PSD for Greenhouse Gases. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00098: Cephalon, Inc. (383 Phoenixville Pike, Malvern, PA 19355) for renewal of a State Only Operating Permit in Charlestown Township, **Chester County**. Cephalon operates a pharmaceutical research and development, pilot plant facility. The primary sources of emission at this facility are two (2) 100-gallon reactors, and two (2) 50-gallon reactors. Each reactor is equipped with its own process condenser. A secondary condenser and scrubbing system are used as control devices. No new changes have taken place and no new sources have been added since the last operating permit issuance. The primary pollutants of concern are VOC and HAP, each with a limit of 4.5 tons per year based on a 12-month rolling sum. The facility is categorized as a natural minor facility. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager, Telephone: 717-705-4863

28-03027: APX Industrial Coatings, Inc. (9473 Lincoln Way W., Saint Thomas, PA 17252) for their contract surface coating facility, in St. Thomas Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a State Only Air Quality Operating Permit renewal for the above mentioned facility.

The actual emissions in year 2011 from the operation were 1.08 tons of VOC per year and 0.06 ton of HAP per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for

the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

William Weaver, Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00878: Peoples Natural Gas Co. LLC (1201 Pitt Street, Pittsburgh, PA 15221) for a Synthetic Minor Operating Permit renewal for the Gibson Compressor Station in Fallowfield Township, **Washington County**. Equipment at this facility includes one steam boiler, a 200 hp compressor engine, an emergency generator engine, a maintenance building heater, and a parts washer. All sources are natural gas-fired. Potential emissions from the facility are based on a limit of 500 operating hours per consecutive 12 month period for the emergency generator and 8,760 hours in the other sources and are estimated to be 7.6 tons NO_x, 1.4 tons CO, and 1.0 ton VOC. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

11-00285: HRI, Inc.—Johnstown Asphalt Plant (270 Solomon Run Road, Johnstown, Pa 15904) for a State Only Operating Permit for the operation of a hot mix batch asphalt facility in Richland Township, **Cambria County**. The subject facility consists of one hot mix batch asphalt plants rated at 2400 tons per hour. The batch plant is limited to 480,000 tons production in any consecutive 12-month period. The facility also consists of a 1,029 hp diesel generator limited to 4,000 hours per year. The site is equipped with (3) 20,000 gallon fuel storage tanks, (20) 12,000 gallon fuel storage tanks and (1) 8,000 gallon fuel storage tank. The facility has the potential to emit: 99 tpy CO; 96 tpy NO_x; 32 tpy SO_x; 10 tpy VOC; and 49 tpy PM. The facility is required to conduct annual burner tune up tests and daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841312. Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554). To revise the permit for the Blacksville Mine #2 in Gilmore Township, **Greene County** to install a water line between Clawson Run Shaft and Staggers Shaft. Surface Acres Proposed 5.0. No additional discharges. The application was considered administratively complete on October 24, 2012. Application received June 18, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26910108 and NPDES Permit No. PA0592366. Dunkard Disposal Corp. (P. O. Box 229, Mt. Braddock, PA 15465). Revision application for land use change from forestland to post-mining land use of unmanaged natural habitat to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 76.4 acres. Receiving streams: unnamed tributary to North Branch of Browns Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 27, 2012.

03120101 and NPDES Permit No. PA0252204. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application resubmitted for commencement, operation and reclamation of a bituminous surface mine,

located in Freeport Borough, **Armstrong County**, affecting 97 acres. Receiving streams: unnamed tributary to Buffalo creek and Buffalo Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Harrison Township Water Authority. Application received: October 19, 2012.

63120104 and NPDES Permit No. PA0252255. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Deemston Borough, **Washington County**, affecting 212.5 acres. Receiving streams: unnamed tributaries to Fishpot Run and Black Dog Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: PA American Water-Brownsville Borough. Application received: October 22, 2012.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

06040801. Charles B. Wagner & Sons, L.L.C., (8392 Route 183, PO Box 26, Strausstown, PA 19559), Stage I & II bond release from a quarry operation in Upper Tulpehocken Township, **Berks County** affecting 2.0 acres on property owned by Paul Zimmerman. Application received: October 2, 2012.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E22-557: Ronald Burkholder, Old Reliance Partnership, 1403 Farmhouse Lane, Middletown, Pennsylvania 17057, in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District

To: 1) construct and maintain a proposed roadway and associated utility lines, impacting 215.0 feet of an unnamed tributary to the Swatara Creek (WWF) and 0.15-acre of palustrine emergent wetland; 2) install and maintain a 62.0-foot long, 49.0-inch by 33.0-inch CMP, with concrete endwalls and an associated R-5 riprap energy dissipater in palustrine emergent wetlands, impacting 0.02-acre of wetland; and 3) install and maintain a 50.0-foot long, 6.0-inch depressed, 51.0-inch by 31.0-inch reinforced concrete pipe with endwalls and R-5 riprap apron in an unnamed tributary to Swatara Creek (WWF) and palustrine emergent wetlands, impacting 0.04-acre of wetland, all for the purpose of providing access and utilities to a residential subdivision. The project is located at the intersection of Longview Drive and Strites Road (Steelton, PA Quadrangle; Latitude: 40°14'43", Longitude: -76°45'34"), in Lower Swatara Township, Dauphin County. To compensate for the wetland impacts, 0.21 acre of onsite wetland replacement is proposed.

E22-581: Buckeye Partners, LP, 469 Moon Clinton Road, Coraopolis, Pennsylvania 15108, in Londonderry Township, **Dauphin County**, ACOE Baltimore District

To: 1) construct and maintain a temporary wooden matt access path, temporarily impacting 10.0 linear feet of Iron Run (WWF) and 0.05-acre of palustrine emergent wetland; 2) install and maintain 125.0 linear feet of E-60 Grout Mat in Iron Run (WWF); and 3) relocate and maintain 125.0 feet of Iron Run (WWF), permanently impacting 0.01-acre of palustrine emergent wetland, and temporarily impacting 175.0 feet of Iron Run (WWF) and 0.06-acre of palustrine emergent wetland, all for the purpose of protecting an exposed natural gas pipeline. The project is located approximately 0.25 mile west southwest of the intersection of Sand Hill Road and Roundtop Road (Steelton, PA Quadrangle; Latitude: 40°14'43", Longitude: -76°45'34"), in Londonderry Township, Dauphin County.

Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-640. William Graziani, Sr., 1028 Skyline Drive, Canonsburg, Pa 15317; Cecil Township, **Washington County**; ACOE Pittsburgh District.

Applicant proposes to relocate and maintain approximately 892.0 linear feet of an unnamed tributary to Chartiers Creek (WWF) and to place and maintain fill in approximately 0.288 acre of wetlands for the purpose of constructing the proposed Alto Piano Residential Development. The project is located on the north side of Breezewood Drive, approximately 1,000.0 feet northeast from the intersection of Breezewood Drive and McEwen Avenue (Canonsburg, PA Quadrangle N: 5.6 inches;

W: 7.5 inches; Latitude: 40° 16' 51"; Longitude: 80° 10' 44") in Cecil Township, Washington County. To compensate for the stream impacts, the applicant proposes to construct 0.289 acre of riparian wetlands that will be constructed on-site.

E65-950. Kevin Chilko, P. O. Box 204, Vandergrift, PA 15690; Washington and Bell Townships, **Westmoreland County**; ACOE Pittsburgh District.

Applicant proposes to construct and maintain a single span bridge having a span of 40' and under clearance of 6' and width of 12' over Beaver Run (TSF) for the purpose of providing access to 13 acres of land. The project is located approximately 4,500 feet upstream of the confluence of Beaver Run and the Kiskiminetas River in Washington and Bell Townships, Westmoreland County (Vandergrift Pa Quadrangle; N: 12.1 inches; W: 10.0 inches; Latitude: 40° 34' 2"; Longitude: 79° 34' 20").

E65-953. Festival Fun Parks LLC, P. O. Box C, Rte. 30 E, Idlewild Hill Lane, Ligonier, PA 15658; Ligonier Township, **Westmoreland County**; ACOE Pittsburgh District.

Applicant proposes to remove the existing facilities and to construct and maintain a water attraction approximately 600 feet long, 15' wide and 3 feet deep, 25 feet by 20 feet filtration pump room and associated facilities within the right bank floodway of Loyalhanna Creek (CWF). The project is located at the Idlewild Park and Soakzone amusement park in Ligonier Township, Westmoreland County (Derry PA Quadrangle; N: 1.7"; W: 4.5"; Latitude: 40° 15' 32'; Longitude: 79° 16' 57").

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E16-143. Carl David Hill, 5796 Buck Trail, Clinton, OH 44216. PA Game Commission, 2001 Elmerton Ave, Harrisburg, PA 17110-9797. Hindman Run Bridge Project, in Millcreek Township, **Clarion County**, ACOE Pittsburgh District (Strattanville, PA Quadrangle N: 41°, 16', 7.96"; W: -79°, 16', 37.81").

To construct and maintain a 36' long clear span bridge having a width of 14' and an under clearance of 12' across Hindman Run as a replacement for an existing 4' culvert approximately 1.0 mile upstream of Blyson Run (EV), a tributary to the Clarion River.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D64-043. Lake Quinn Dam, Lake Quinn Association, Inc., 139 Lake Quinn Road, Waymart, PA 18472. To modify, operate and maintain the Lake Quinn Dam across a tributary to Middle Creek (HQ-CWF, MF), having no proposed impacts to waterways or wetlands, for the purpose of complying with Department regulations. (Waymart, PA Quadrangle N: 1.2 inches; W: 7.0 inches) in South Canaan Township, **Wayne County**.

EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative.

Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified regional office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335

ESCGP-1 #ESX10-083-0017A-Minard Run Pad A-Major Modification

Applicant Triana Energy LLC

Contact Rachelle King

Address 900 Virginia Street East, Suite 400

City Charleston State WV Zip Code 25301

County McKean Township(s) Bradford and Lafayette(s)

Receiving Stream(s) and Classification(s) UNT of East

Branch Tunugwant Creek HQ-CWF, UNT of Railroad Run and Minard Run EV-CWF

ESCGP-1 # ESX10-053-0008A—Tionesta Pad A Pipeline and Production Facilities

Applicant Seneca Resources Corporation

Contact Mr. Michael Clinger

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County Forest Township(s) Tionesta(s)

Receiving Stream(s) and Classification(s) Chauncy Run—Exceptional Value

ESCGP-1 #ESX12-019-0161—Cypher Well Pad

Applicant XTO Energy

Contact Melissa Breitenbach

Address 502 Keystone Drive

City Warrendale State PA Zip Code 15086

County Butler Township(s) Clearfield(s)

Receiving Stream(s) and Classification(s) 2 UNT's to Little Buffalo Run—HQ, Buffalo Creek

ESCGP-1 #ESX12-065-0053-Line 4724 Remediate Exposures Project
 Applicant NiSource/Columbia Gas Transmission LLC
 Contact Jon Adamson
 Address 1700 MacCorkle Avenue SE
 City Charleston State WV Zip Code 25314
 County Jefferson Township(s) Rose & Knox(s)
 Receiving Stream(s) and Classification(s) Fivemile Run
 (HUC 050100060305); CWF, TSF

ESCGP-1 #ESX12-047-0051-ARG Kane 3
 Applicant ARG Resources Inc
 Contact Timothy Ridley
 Address 1562 Rte 66/948
 City Kane State PA Zip Code 16735
 County Elk Township(s) Highland(s)
 Receiving Stream(s) and Classification(s) UNT to East
 Branch Spring Cr. & UNT's to Coon Run, HQ

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12022	Church & Dwight Co., Inc. 469 North Harrison Street Princeton, NJ 08542-5297 Attn: Peter J. Marshall	York	Jackson Township	2 ASTs storing hazardous substances	40,000 gallons total

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a

different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0050377 A-1, IW, Johnson Matthey Inc., 435 Devon Park Drive, Suite 600, Wayne, PA 19087-1998.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the minor amendment of an NPDES permit to change additives currently used at the facility known as Riverside Facility to Matsunk Creek in Watershed 3-F.

NPDES Permit No. PA0026468, Sewage, Lower Bucks County Joint Municipal Authority, PO Box 460, 7811 New Falls Road, Levittown, PA 19058-0460.

This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 10 MGD of treated sewage from a facility known as Lower bucks WWTP to Delaware River in Watershed 2-E.

NPDES Permit No. PA0056511, Sewage, Barry & Kristen Eves, 47 Bishop Road, Pottstown, PA 19465-8218.

This proposed facility is located in East Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 400 gpd of treated sewage from a facility known as Eves SRSTP to Unnamed Tributary to Pigeon Creek in Watershed 3-D.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES Permit No. PA0229067, CAFO, SIC Code 0241, Murmac Farms LLC, 2336 Zion Road, Bellefonte, PA 16823.

This proposed facility is located in Spring Township, **Centre County**.

Description of Size and Scope of Proposed Operation/Activity: [description]. The CAFO is situated near Unnamed Tributary to Nittany Creek in Watershed 9-C, which is classified for cold water fishery (CWF). The CAFO is designed to maintain an animal population of approximately 2402 animal equivalent units (AEUs) consisting of 1940 Dairy Cows. Manure and dairy wastewater will be gravity fed to a primary lagoon. Liquid from the primary lagoon is pumped to a secondary lagoon. Some of the liquid from the secondary lagoon is recycled for flushing water in the cow barns. Both lagoons are HDPE lined. Total volume of both lagoons is 10.3 million gallons with a 2' freeboard. Manure is disposed of year round. 500 acres are used for manure disposal on the home farms and 764.1 acres are rented for application of the remaining manure.

A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

WQM Permit No. 1506407, Sewage, Renewal, East Brandywine Township Municipal Authority, 1214 Horseshoe Pike, Downingtown, PA 19335.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Approval for renewal of the existing WQM Part II permit to allow land application of treated sewage via spray irrigation and drip disposal beds located at the Applecross Golf Course.

WQM Permit No. 0912403, Sewage, Bethel Baptist Church, 754 East Rockhill Road, Sellersville, PA 18960.

This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Action/Activity: Replacing old existing treatment plant with a new one. No change in loading or use.

WQM Permit No. 4612402, Sewage, Norristown Municipal Waste Authority, 235 E. Airy Street, 2nd floor, Norristown, PA 19401.

This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Action/Activity: Installation of a new post aeration system with two concrete tanks, a new 40 Hp blower, air diffusers, a dissolved oxygen meter and an air flow meter.

WQM Permit No. 0981420, T1, Amendment, Renewal, Quakerwoods Campground, Inc., 2225 Rosedale Road, Quakertown, PA 18951.

This proposed facility is located in Milford Township, **Bucks County**.

Description of Action/Activity: Approval for the renewal of the existing Quakerwoods Campground wastewater treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 5107005-R	BDP Realty, LP and BDP Realty II, LP 120 West Germantown Pike, Suite 120 Plymouth Meeting, PA 19462	Philadelphia	City of Philadelphia	Frankford/Tacony Creek (WWF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506013R	Sciota Properties, LLC HC 1 Box 70 Saylorsburg, PA 18353	Monroe	Hamilton Twp.	McMichael Creek, HQ-CWF, MF
PAI025212001	Delaware Valley School District 258 Route 6 & 209 Milford, Pa 18337	Pike	Westfall Twp.	Delaware River, WWF, MF; Rosetown Creek, HQ-CWF, MF
PAI024512002	BCM International Inc. Streamside Camp and Conference Center 303 Possinger Drive Stroudsburg, PA 18360	Monroe	Jackson Twp.	UNT to Reeders Run, HQ-CWF, MF
PAI023910017	Wal-Mart Stores East, L.P. 2001 S.E. 10th Street Mail Stop 5570 Bentonville, AR 72716	Lehigh	North Whitehall Twp.	UNT to Jordan Creek, HQ-CWF, MF; UNT to Coplay Creek, CWF, MF
PAI024807007R	James & Sharon Carty 454 St. James Court Nazareth, PA 18064	Northampton	Bushkill Twp.	Bushkill Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030612002	Daniel G. Dellicker East Penn Manufacturing Co. 147 Deka Road Lyons, PA 19536	Berks	Richmond Township	UNT to Moselem Creek (HQ-CWF)
PAI032112002	Brian Soyka Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Cumberland	Hampden Township	UNT to Trindle Spring Run (HQ-CWF, MF)
PAI032111010	James Kravitz Downtown Construction Co., LLC 2210 Barren Hill Road Conshohocken, PA 19428	Cumberland	Carlisle Borough	Letort Spring Run (HQ-CWF, MF)
PAI032111005	Robert Hewitt FM Carlisle, LLC 770 Route 220 Muncy Valley, PA 17758	Cumberland	South Middleton Township	Letort Spring Run (EV) and Letort Spring Run (HQ-CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032811002	Washington Township Municipal Authority 11102 Buchanan Trail East Waynesboro, PA 17268	Franklin	Waynesboro Borough and Washington Township	East Branch Antietam Creek (CWF, MF) and Red Run (CWF, MF) (EV Wetland Impact)
PAI033106003R	Pa. Department of Transportation Engineering District 9-0 1620 Juniata Street Hollidaysburg, PA 16648	Huntingdon	Jackson Township	Shavers Creek (HQ-CWF)
PAI033607005(1)	Scott Kreider S & A Kreider and Sons 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run (HQ-CWF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
South Coatesville Borough Chester County	PAG0200 1505066-RR	Southview Place, LP 1657 Warpath Road West Chester, PA 19382	Unnamed Tributary West Branch Brandywine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Marlborough Township Chester County	PAG0200 1509040A-1R	Advanced Geoservices 1055 Andrew Drive, Ste A West Chester, PA 19380	Doe Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Franklin Township Chester County	PAG0200 1510023-R	Beneficial Bank 530 Walnut Street Philadelphia, PA	East Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Nether Providence Township Delaware County	PAG0200 2307013-1	Wallingford-Swarthmore School District 200 South Providence Road Wallingford, PA 19086-6334	Dicks Run/Crum Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511223	Enon Tabernacle Baptist Church 2800 West Cheltenham Avenue Philadelphia, PA 19150	Tacony-Frankford Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511218	Franklins Paine Skatepark Fund 129 South 30th Street, Unit B Philadelphia, PA 19104	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hazle Twp., Luzerne County	PAG02004007016R	Equilibrium Equities, Inc. John Morris 15 S. Franklin St. Wilkes-Barre, PA 18701	UNT To Stony Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Carlisle Borough Cumberland County	PAG02002112018	Carlisle Area School District (Wilson Middle School) 623 West Penn Street Carlisle, PA 17013	Conodoguinet Creek (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Upper Allen and Lower Allen Townships Cumberland County	PAG002108025(1)R	McNaughton Properties, LP Orchard Glen 4400 Deer Path Road, Suite 210 Harrisburg, PA 17110	Cedar Run (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636*

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Wysox Twp Bradford County	PAG02000812037	Randy B Williams York Ave PO Box 207 N Towanda PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Ferguson Twp Centre County	PAR10F139R	Dave Palmer S&A Homes 2121 Old Gatesburg Rd State College PA 16803	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Lawrence Twp Clearfield County	PAG02001712015	Jeff Long Construction 1916 Hileman Rd Tyrone PA 16686	WB Susquehanna River WWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 (814) 765-2629
Sandy Twp Clearfield County	PAG02001712017	PA Dept of Transportation PO Box 342 Clearfield PA 16830	Pentz Run CWF Soldier Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 (814) 765-2629
Bradford Twp Clearfield County	PAG02001712019	Woodland-Bigler Area Authority PO Box 27 Woodland PA 16881	Sulphur Run CWF Roaring Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 (814) 765-2629
W Chillisquaque Township Northumberland County	PAG02004912008	North Union United Soccer Club 41 N Front St Lewisburg PA 17837	UNT Chillisquaque Creek WWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 495-4665
Putnam & Covington Twps. Tioga County	PAG02005912009	William Robinson 16064 Route 6 Mansfield PA 16933	Tioga River CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5
Mansfield Boro Tioga County	PAG02005912010	Daniel Dobell Mansfield Univ Mansfield PA 16933	Corey Creek CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5
W Buffalo Twp. Union County	PAG02006012009	Leroy Horning 643 Steffen Rd Mifflinburg PA 17844	Coal Run CWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
E Buffalo Twp Union County	PAG02006012010	Daniel Fascero 300 Meadow Run Dr Winfield PA 17889	UNT Turtle Creek WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
O'Hara Township Allegheny County	PAG02000212062	Christie Aivaliotis 222 Park Square Lane Pittsburgh, PA 15238	Little Pine Creek East (TSF) Pine Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Moon Township Allegheny County	PAG02000211014-1	The Redevelopment Authority of Allegheny County Dennis Davin 425 Sixth Avenue Suite 1800 Pittsburgh, PA 15219	UNT to McClarens Run (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000210049R	Community College of Allegheny County Robert D. Hamilton 800 Allegheny Avenue Pittsburgh, PA 15233	Ohio River (WWF-N)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Center Township Beaver County	PAG02000412014	CJ Betters CJ Betters Real Estate 3348 Broadhead Road Monaca, PA 15061	Elkhorn Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Bullskin Township Fayette County	PAG02002612016	Terrence Shallenberger Shallenberger Development, LLC 2620A Memorial Blvd Connellsville, PA 15425	Breakneck Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township Fayette County	PAG02002612020	Emilio Ciarvocchi Cross Creek Development 121 Regency Drive Uniontown, PA 15401	Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Everson Borough Fayette County	PAG02002612021	David Fry Magnablend, Inc. 326 N. Grand Ave. Waxahachie, TX 75165	Jacobs Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
East Finley Township Washington County	PAG02006310013-1R	Consol Pennsylvania Coal Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	Templeton Fork (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

*Facility Location:
Municipality &
County**Permit No.**Applicant Name and
Address**Receiving
Water / Use**Contact Office and
Phone No.*Peters Township
Washington County

PAG02006312035

Mark Hoskins
Benjamin Marcus Homes, LLC
124 Windermere Court
McMurray, PA 15317UNT to Peters
Creek (TSF)Washington County
CD
2800 North Main
Street
Suite 105
Washington, PA
15301
(724) 705-7098*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Punxsutawney
Borough
Jefferson County

PAG02003312003

Primary Health Network PHN
Charitable Foundations
Facilities Department
153 Sharpsville Avenue
Sharon PA 16146Mahoning Creek
WWFJefferson County
Conservation
District
814-849-7463Hickory Township
Lawrence County

PAG02003712008

Lawrence Hickory Sanitary
Authority
Attn: Todd Chamberlain
1928 Harlansburg Road
New Castle PA 16107

Unt Big Run WWF

Lawrence County
Conservation
District
724-652-4512Pine Township
Mercer County

PAG02004312009

General Electric Transportation
1503 West Main St. Ext
Grove City PA 16127

Wolf Creek CWF

Mercer County
Conservation
District
724-662-2242Clintonville Borough
Venango County

PAG02006112005

Anthony Cocca
Cocca Development LTF
100 DeBartolo Place,
Suite 400
Boardman OH 44512Unt Scrubgrass
Creek CWFVenango County
Conservation
District
814-676-2832*General Permit Type—PAG-03**Facility Location:
Municipality &
County**Permit No.**Applicant's Name &
Address**Receiving
Water / Use**Contact Office &
Telephone No.*Spring City Borough
Chester County

PAR200018

Spring City Electric
Manufacturing Co.
P. O. Box 19
Spring City, PA 19475Schuylkill
River—3DSoutheast Region
Clean Water
Program
484.250.5970East Vincent
Township
Chester County

PAR800143

Plotts Oil Inc.
462 Main Street
P. O. Box 130
Royersford, PA 19601Unnamed Tributary
of Schuylkill
River—3DSoutheast Region
Clean Water
Program
484.250.5970Modena Borough
Chester County

PAR140012

Sealed Air Corporation
450 Riverfront Drive
Reading, PA 19602West Branch
Brandywine
Creek-3HSoutheast Region
Clean Water
Program
484.250.5970Loyalsock Township
Lycoming County

PAR214829

Wolyniec Const Co.
P O Box 666
Williamsport, PA 17703-0666Tributary 10 of
Grafius Run 10-BDEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

*Facility Location:
Municipality &
County*

Permit No.

*Applicant's Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Telephone No.*

Northumberland
Borough
Northumberland
County

PAR124818

River Run Foods
50 Blue Hill Road
Northumberland, PA 17857

West Branch
Susquehanna
River—10-D

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

Montoursville
Borough
Lycoming County

PAR804890

URS/Flint Energy Service Inc.
1050 Broad Street
Montoursville, PA 17754

Coffee Run—10-D

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Franklin County
Southampton
Township

PAG043925

Ron Sailhamer
494 E King Street
Shippensburg, PA 17257

Middle Spring
Creek / CWF

DEP—SCRO—Clean
Water Program
909 Elmerton
Avenue
Harrisburg, PA
17110
717-705-4707

Franklin County
Southampton
Township

PAG043926

Ron Sailhamer
494 E King Street
Shippensburg, PA 17257

Middle Spring
Creek / CWF

DEP—SCRO—Clean
Water Program
909 Elmerton
Avenue
Harrisburg, PA
17110
717-705-4707

General Permit Type—PAG-5

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

East Goshen
Township
Chester County

PAG050086

Sunoco, Inc.
10 Industrial Highway,
Building G
Lester, PA 19029

Unnamed Tributary
to East Branch
Chester Creek 3-G

Southeast Region
Clean Water
Program
2 E. Main Street
Norristown, PA
19401
484-250-5970

General Permit Type—PAG-9

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

Southampton Twp.
Franklin County

PAG093510

Chamberlin & Wingert Sanitary
Services, LLC
535 Lurgan Avenue
Shippensburg, PA 17257

Chamberlin &
Wingert Sanitary
Services, LLC
535 Lurgan Avenue
Shippensburg, PA
17257

DEP-SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717-705-4707

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Holly Haines 21976 Tannery Road Shade Gap, PA 17255	Huntingdon	107.2 acres for manure application	447.53 AEU's 4.17 AEU's/ac	Dairy	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3811501, Public Water Supply.

Applicant	South Mountain Spring Water Company
Municipality	South Lebanon Township
County	Lebanon
Responsible Official	Barton Kirk, Managing Member 826 Chislett Street Pittsburgh, PA 18206
Type of Facility	Installation of an Atlantium RZ104-12 UV System as GWR 4-log treatment.
Consulting Engineer	Edward E. Davis, P.E. Forino Co., LP 555 Mountain Spring Road Sinking Spring, PA 19608
Permit to Construct Issued:	10/22/2012

Permit No. 0712503 MA, Minor Amendment, Public Water Supply.

Applicant	Altoona Water Authority
Municipality	Altoona
County	Blair

Responsible Official Mark A. Perry, General Manager
900 Chestnut Avenue
Altoona, PA 16601

Type of Facility This project consists of installation of an Advanced Metering Infrastructure (AMI) and system-wide service meter replacement. Altoona Water Authority (AWA) will replace all 23,000 service meters (residential and commercial).

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on October 22, 2012.

Consulting Engineer Mark V Glenn, P.E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Dr.
Altoona, PA 16602-4475

Permit to Construct Issued: 10/23/2012

Permit No. 3612523, Public Water Supply.

Applicant **East Cocalico Township Authority**

Municipality East Cocalico Township

County **Lancaster**

Responsible Official Terry W. Reber, Authority Administrator
102 Hill Road
Denver, PA 17517

Type of Facility Installation of ortho/poly-phosphate for general corrosion control at entry points 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

Consulting Engineer William A LaDieu, P.E.
CET Engineering Services, GHD
1240 N. Mountain Road
Harrisburg, PA 17112

Permit to Construct Issued: 10/22/2012

Permit No. 2812504 MA, Minor Amendment, Public Water Supply.

Applicant **Wadel's MHP**

Municipality Southampton Township

County **Franklin**

Responsible Official Jerry S Wadel
7677 White Church Road
Shippensburg, PA 17257

Type of Facility GWR 4-log treatment of viruses for EP 101. Installation of additional contact piping.

Consulting Engineer 1—Not Available

Permit to Construct Issued: 10/22/2012

Permit No. 5012507 MA, Minor Amendment, Public Water Supply.

Applicant **Countryside Mobile Home Park**

Municipality Carroll Township

County **Perry**

Responsible Official Edward M Jones, Owner
7048 Wertzville Road
Mechanicsburg, PA 17050

Type of Facility Installation of six (6) 120-gallon chlorine contact tanks and the demonstration of 4-log treatment of viruses.

Consulting Engineer 1—Not Available

Permit to Construct Issued: 10/22/2012

Operations Permit issued to: **Pennsylvania American Water Company**, 3060069, Spring Township, **Berks County** on 10/26/2012 for the operation of facilities approved under Construction Permit No. 0608518 MA.

Operations Permit issued to: **Millersburg Area Authority**, 7220034, Upper Paxton Township, **Dauphin County** on 10/26/2012 for the operation of facilities approved under Construction Permit No. 2212501 MA.

Operations Permit issued to: **Village at Summit Crest, LLC**, 3060108, Maiden Creek Township, **Berks County** on 10/5/2012 for the operation of facilities approved under Construction Permit No. 0612502 MA.

Operations Permit issued to: **The York Water Company**, 7670100, Spring Garden Township, **York County** on 10/22/2012 for the operation of facilities approved under Construction Permit No. 6711513 MA.

Operations Permit issued to: **Mr. John Hoffer**, 7360103, Providence Township, **Lancaster County** on 10/23/2012 for the operation of facilities submitted under Application No. 3612530 MA.

Operations Permit issued to: **Mr. Samuel McMichael**, 7360104, Little Britain Township, **Lancaster County** on 10/23/2012 for the operation of facilities submitted under Application No. 3612531 MA.

Operations Permit issued to: **Judy Brown**, 7360110, Eden Township, **Lancaster County** on 10/23/2012 for the operation of facilities submitted under Application No. 3612528 MA.

Operations Permit issued to: **Paul Schwanger**, 7360024, Mount Joy Township, **Lancaster County** on 10/23/2012 for the operation of facilities submitted under Application No. 3612527 MA.

Operations Permit issued to: **Big Boulder Mobile Home Park**, 7380012, Swatara Township, **Lebanon County** on 10/22/2012 for the operation of facilities submitted under Application No. 3812506 MA.

Operations Permit issued to: **Country View Mobile Home Park**, 3060048, Longswamp Township, **Berks**

County on 10/23/2012 for the operation of facilities submitted under Application No. 0612513 MA.

Operations Permit issued to: **Big Spring, Inc.**, 3066483, Lower Heidelberg Township, **Berks County** on 10/22/2012 for the operation of facilities approved under Construction Permit No. 0612510.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Operations Permit issued to: **Central City Water Authority**, 314 Central Avenue, Suite 203, Central City, PA 15926, (PWSID #4560045) Shade Township, **Somerset County** on November 1, 2012 for the operation of facilities approved under Construction Permit # 5610506.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Mount Pleasant Township, **Washington County** on November 1, 2012 for the operation of facilities approved under Construction Permit # 0212511MA.

Operations Permit issued to: **Authority of the Borough of Charleroi**, PO Box 211, 3 McKean Avenue, Charleroi, PA 15022, (PWSID #5630039) Speers Borough, **Washington County** on November 1, 2012 for the operation of facilities approved under Construction Permit # 6309502.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5260005) West Brownsville Borough, **Washington County** on October 18, 2012 for the operation of facilities approved under Construction Permit # 2611506MA.

Permit No. 6512512MA, Minor Amendment. Public Water Supply.

Applicant	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
[Borough or Township]	Salem Township
County	Westmoreland
Type of Facility	Water system
Consulting Engineer	
Permit to Construct Issued	October 26, 2012

Permit No. 6512504MA, Minor Amendment. Public Water Supply.

Applicant	Indian Lake Borough 1301 Causeway Drive Central City, PA 15926
[Borough or Township]	Indian Lake Borough
County	Somerset
Type of Facility	Water system
Consulting Engineer	CME Management LP 165 East Union Street Suite 100 Somerset, PA 15501
Permit to Construct Issued	October 26, 2012

Permit No. 5611522GWR, Minor Amendment. Public Water Supply.

Applicant	H Manor, LLC 1379 Peninsula Drive Central City, PA 15926
[Borough or Township]	Somerset Township
County	Somerset
Type of Facility	Water system
Consulting Engineer	
Permit to Operate Issued	October 26, 2012

WATER ALLOCATIONS

Action Taken on applications filed under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit WA 42-150B. Bradford City Water Authority, 28 Kennedy Street, Bradford, PA 16701, City of Bradford, **McKean County**. The permit is modified to allow the permittee to increase its allocation from Heffner Reservoir from 4.0 MGD to 4.5 MGD and from Marilla Reservoir from 0.8 MGD to 1.0 MGD on a 30-day average basis, and increase the total allocation from all three reservoirs from 5.8 MGD to 5.99 MGD on a maximum day basis.

Permit Issued: November 1, 2012

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Plan Location:

Borough or Township	Borough or Township Address	County
Upper Saucon Township	5500 Camp Meeting Road Center Valley, PA 18034	Lehigh

Plan Description: The approved Official Sewage Facilities Plan Revision / Corrective Action Plan (Plan), dated January 2009 revised June 2012, included sanitary sewer construction and sewer repairs in Upper Saucon Township's North Branch Drainage Basin. The Plan approves the installation of a 12 inch Bypass Sewer, located mostly on the west side of State Rt. 309 and upstream of the North Branch Interceptor, between Manhole 545 and Manhole 4. The Plan also provides for sewer repairs upstream of Manhole 262 to reduce infiltration / inflow.

The Department's review of the Plan has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of Upper Saucon Township Municipal Authority.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

General Permit ID No. WMGR038SW011. Blairsville Environmental Rubber, LLC (BER), 42 Ash Road, Blairsville, PA 15717. BER Site: 5490 Route 217 North of Blairsville, Blairsville, PA 15717. Permit for processing and beneficial use of waste tires and tire-derived material as a fuel at approved facilities, civil engineering or construction material, and feedstock in the manufacturing of consumer products in Blacklick Township, **Indiana County**. Permit was issued in the Regional Office on October 24, 2012.

Persons interested in reviewing the general permit may contact Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP3-32-00425: Simpson Coal Co. (1003 Bush Road, New Alexandria, PA 15670) on November 2, 2012, to allow the installation and operation of a sandstone processing plant rated at 150 tons per hour powered by two (2) diesel fired engines, at their Condor Mine in Young Township, **Indiana County**.

GP3-32-00425: Simpson Coal Co. (1003 Bush Road, New Alexandria, PA 15670) on November 2, 2012, to allow the installation and operation of two (2) diesel fired engines to power a sandstone processing plant rated at 150 tons per hour, at their Condor Mine located in Young Township, **Indiana County**.

GP5-65-01023: R.E. Gas Development, LLC (476 Rolling Ridge Drive, State College, PA 16801) on November 2, 2012, to allow the installation and operation of one 500 bhp Caterpillar natural gas-fired compressor engine and one 5 MMscfd dehydrator at the Orgavan Compressor Station located in Derry Township, **Westmoreland County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-375A: Harmony Castings, LLC (251 Perry Highway, P. O. Box 230, Harmony, PA 16037) on October 31, 2012, for the post-construction permitting of an aluminum foundry operation in the Borough of Harmony, **Butler County**. Sources at the facility will include sand handling, aluminum casting, casting shakeout and primary shotblast.

42-028E: Saint-Gobain Containers, Inc. (One Glass Place, Port Allegany, PA 16743) on October 26, 2012, for the Repair Project, rebricking/repair of Furnace 3, rebricking Shop 33/34 forehearth, and repair Shop 33/34 IS machine and adding oxygen enriched air staging (OEAS) at Furnace 3 in accordance with the Global Consent Decree in Port Allegany Borough, **McKean County**. This is a Title V facility.

43-196C: General Transportations—Grove City Plant (1503 West Main Street Extension, Grove City, PA 16127-2513) on October 26, 2012, to construct a new test cell (test cell No. 6) and the modification of existing test cell No. 5 to facilitate testing of the newer, higher tier engines in Grove City Borough, **Mercer County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

63-00549B: Arden Landfill, Inc. (625 Cherrington Parkway, Moon Township, PA 15108) on November 2, 2012, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date shall be May 3, 2013.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-040H: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) on October 31, 2012, to issue an extension to modify the PM emission limitation from plan approval 20-040D and to replace a bond silo that will be controlled by a Torit baghouse in Vernon Township, **Crawford County**. This is a Title V facility. The plan approval has been extended.

62-017P: United Refining Co. (15 Bradley Street, Warren, PA 16365) on October 31, 2012 to issue an extension to modify Boiler No. 4 to install flue gas recirculation in the City of Warren, **Warren County**. This is a Title V facility. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager Telephone: 717-705-4702.

06-03021: Post Precision Castings, Inc. (PO Box A, Strausstown, PA 19559-0100) on October 31, 2012, for their metals casting facility in Upper Tulpenhocken Township, **Berks County**. The State-only permit was renewed.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00145: Berlin Brothers Valley School District (1025 E. Main St., Berlin, PA, 15530-1498) on November 1, 2012, for a Synthetic Minor Operating Permit renewal for the Berlin Brothers Valley Elementary/Secondary Schools in Berlin Borough, **Somerset County**. The permit is for the operation of two tri-fuel boilers equipped to burn either coal or natural gas, four natural gas-only fired boilers, and two natural gas-fired emergency generators. The permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-00034: Northwest Hardwoods, Inc. (11117 Skyline Drive, Titusville, PA 16354) on October 31, 2012, issued a renewal of the State Only Operating Permit for their sawmill and hardwood manufacturing facility in Oil Creek Township, **Crawford County**. The sources at the facility include a wood fired boiler controlled by a multiclone, miscellaneous woodworking operations and sawdust off-loading controlled by a central dust collection system, wood drying kilns, miscellaneous natural gas combustion, road dust from paved surfaces, and a parts washer. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The actual PM₁₀, SO_x, NO_x, CO, and VOC emissions are approximately 8.0 TPY, 0.2 TPY, 5.1 TPY, 5.1 TPY, and 4.8 TPY, respectively. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

20-00268: Tedes Gizzie Memorials & Crematory (614 Baldwin Street, Meadville, PA 16335) on October 31, 2012, issued a renewal state only operating permit for their crematory in the City of Meadville, **Crawford County**. The significant source is a natural gas fired crematory. The facility is a natural minor. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit. The potential emissions from the facility are as follows: PM₁₀ less than 1 tpy; CO less than 1 tpy; and Total Hydrocarbons less than 1 tpy.

25-00916: Ridg-U-Rak—North East Plant (120 South Lake Street, North East, PA 16428) on October 31, 2012, a Natural Minor Operating Permit was issued to operate a Metal Shelving Manufacturing Facility, located in North East Borough, **Erie County**.

42-00193: Allegheny Bradford Corp. (PO Box 200, Bradford, PA 16701-0200) on October 31, 2012, issued a renewal state only operating permit for their stainless steel fabricating and polishing facility in the Borough of Lewis Run, **McKean County**. The significant source is a stainless steel polishing operation. The facility is a natural minor. The operations at this facility are subject to 40 CFR Part 63 Subpart XXXXXX, NESHAPs for Metal Fabrication and Finishing Area Sources and the application requirements are included in the permit. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit. The potential emissions from the facility are as follows: PM₁₀ less than 1 tpy; NO_x less than 1 tpy; SO₂ less than 1 tpy; CO less than 1 tpy; and VOC less than 1 tpy.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N12-020: Belmont Center for Comprehensive Treatment (4200 Monument Avenue, Philadelphia, PA 19131) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 200 HP boilers, two less than 50 HP boiler, and one emergency generator.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Applications Returned

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17080111 and NPDES No. PA 0256901. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Revision of an existing bituminous surface coal mine to add 1.0 acre to the surface mine permit boundary and requesting road and stream variances located in Lawrence Township, **Clearfield County** affecting 176.5 acres. Receiving streams: Unnamed Tributaries to West Branch Susquehanna River classified for the following use: Coal Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2012. Application returned: October 16, 2012.

Coal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03030102 and NPDES Permit No. PA0250350. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Transfer permit issued from AMFIRE Mining Co., LLC to an existing bituminous surface mine, located in Sugarcreek & East Franklin Townships, **Armstrong County**, affecting 256.5 acres. Receiving streams: Long Run and an unnamed tributary to Long Run. Application received: January 11, 2012. Permit issued: November 2, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

14110101 and NPDES No. PA0257753. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849). Commencement, operation and restoration of a bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 33.3 acres. Receiving streams: unnamed tributary to North Fork of Beech Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 1, 2011. Permit issued: October 16, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54960201R3. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), renewal of an existing anthracite coal refuse reprocessing and prep plant operation in Kline, Banks and Hazle Townships, **Schuylkill, Caron and Luzerne Counties** affecting 429.1 acres, receiving stream: Catawissa Creek. Application received: September 22, 2011. Renewal issued: November 2, 2012.

54960201GP104. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54960201 in Kline, Banks and Hazle Townships, **Schuylkill, Carbon and Luzerne Counties**, receiving stream: Catawissa Creek. Application received: March 23, 2012. Permit issued: November 2, 2012.

54-305-026GP12. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54960201 in Kline, Banks and Hazle Townships, **Schuylkill, Carbon and Luzerne Counties**. Application received: May 31, 2012. Permit issued: November 2, 2012.

49120101. Blue Ridge Mining, LP, (123 Iris Road, Shamokin, PA 17972), commencement, operation and restoration of an anthracite surface in Coal Township, **Northumberland County** affecting 43.5 acres, receiving stream: Carbon Run. Application received: August 8, 2012. Permit issued: November 2, 2012.

49120101GP104. Blue Ridge Mining, LP, (123 Iris Road, Shamokin, PA 17972), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49120101 in Coal Township, **Northumberland County**, receiving stream: Carbon Run. Application received: August 8, 2012. Permit issued: November 2, 2012.

ABANDONED MINE RECLAMATION PROJECT

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville PA 17901, Telephone (570) 621-3466

Bond Forfeiture Reclamation Project: **PBF 49851605**
Location: Rapho Township, **Northumberland County**
Description: Twin Creek Coal/Swift Breaker Operation
Contractor: D. Molesevich & Sons Construction, Inc., 333 South Pine Street, Mount Carmel, PA 17851
Amount: \$156,300.00
Date of Award: October 19, 2012

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

56124004. Geiger Development Corporation, 1135 Stoystown Road, Friedens, PA 15541, blasting activity permit issued for gas well site development in Somerset Township, **Somerset County**. Blasting activity permit end date is March 1, 2013. Permit issued: October 29, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

48124104. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Chrin Commerce Center in Palmer Township and Tatamy Borough, **Northampton County** with an expiration date of October 30, 2012. Permit issued: October 31, 2012.

48124105. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Chrin Commerce Center Phase II Palmer and Lower Nazareth Townships, **Northampton County** with an expiration date of October 30, 2012. Permit issued: October 31, 2012.

58124193. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Rutkowski Gas Pad in Lathrop Township, **Susquehanna County** with an expiration date of October 27, 2013. Permit issued: November 1, 2012.

38124126. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Sweet Briar in North Lebanon Township, **Lebanon County** with an expiration date of October 31, 2013. Permit issued: November 2, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

<i>Permit ID</i>	<i>Activity</i>	<i>Impact Acreage</i>	<i>Resource</i>	<i>Water Quality</i>
Wetland W_029_MKR	Fill	0.30 acre	PEM Wetland	WWF
Wetland W_029_MKR	Fill	0.22 acre	PEM Wetland	WWF

The permanent wetland encroachments will be mitigated through the creation of a minimum 0.52 acre PEM wetlands. The project is located southeast of Strawberry Ridge Road in Montour County.

E49-322. PPL Services Corporation, 2 North 9th Street, Allentown, PA 18101. Milton Manufacturing Gas Plant Clean Up, in Milton Borough, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle; Latitude: 41° 1' 2.4"; Longitude: -76° 51' 10.4").

To remediate hazardous material from the overbanks and stream channel to prevent it from leaching into the water table. This permit authorizes installation of a sheet pile cofferdam down the center of the existing channel for

E18-473. Terry Butter Jr. & Kelly Berry, 2 Second Street, Mill Hall, PA 17751, Berry-Butter Property in Bald Eagle Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41° 6' 39.9"; W: -77° 29' 4").

To place and maintain a 20-foot 8-inch by 10-foot 8-inch wooden shed with flood vents on a new above-ground concrete pad and a separate 21-foot by 12-foot gravel pad in the backyard of their home located in the right FEMA mapped 100-year floodway of Fishing Creek (Mill Hall, PA Quadrangle N: 41° 6' 39.9"; W: -77° 29' 4") in Bald Eagle Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

E41-637. Montoursville Borough, 617 North Loyalsock Avenue, Montoursville, PA 17754-1321. Montoursville Water System Improvement Project, West Branch-Susquehanna River Floodway, Montoursville Borough, Lycoming County, ACOE Baltimore District (Montoursville-South, PA Quadrangle Latitude: 41° 14' 5", Longitude: 78° 56' 2").

This permit gives consent to modify, operate and maintain an existing public water supply system and its appurtenances within the 100-year floodway of the West Branch, Susquehanna River for improved public drinking water supply. To ensure minimal loss of flood storage capacity, the placement of fill shall not exceed 855-cubic yards of fill for additional 184-square feet of space at Well #4 Building and improving the 197-feet of access road. The project is located along the southern right-of-way of Mill Street approximately 1.4 miles south of the broad Street and Mill Street intersection. This permit was issued under Section 105.13(e) "Small Projects."

E47-095. PPL Generation Inc., 2 North Ninth Street GENPL6, Allentown, PA 18101-1179. Water Obstruction and Encroachment Joint Application, Gypsum Conveyor Access Road, in Derry Township, **Montour County**, ACOE Baltimore District (Washingtonville Quadrangle-Latitude N: 41° 03' 56"; Longitude -76° 39' 45").

The Department is giving the applicant its consent to construct, operate and maintain 0.52 acre of wetland fill associated with the construction of two permanent road crossings, which requires the following two (2) permanent wetland encroachments:

a length of 100 linear feet directly upstream of the Filbert Street Bridge crossing. The cofferdam will allow flows of up to the 5 yr. storm event to be diverted to one side while work progresses on the other stream bank and bed. Once work is completed and all grades are restored to the pre-existing contours, flow will be diverted to the side that was just remediated and the same process will proceed. Upon completion, all contours, grades and pre-existing bank materials will be restored. The application also proposes to excavate 40 linear feet on the right over bank downstream of the Filbert Street Bridge for remediation purposes and to restore the contours upon completion. This excavation will not require stream diversion since it is located 8 feet above the normal pool

elevation for Limestone Run, which carries a water quality designation of Warm Water Fishery. This project is located at the Filbert Street Bridge crossing in the Borough of Milton, Northumberland County.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1642. Adventure Phase IV, A PA LP; 102 West Anderson St., Selma, NC 27576-2562; McCandless Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant has been given consent to construct and maintain a stream enclosure consisting of a 36-inch diameter culvert approximately 875 linear feet in length in an unnamed tributary (UNT 1) to Little Pine Creek (TSF), to place and maintain fill in approximately 160.0 linear feet of a second unnamed tributary (UNT 1A) to Little Pine Creek (TSF), to place and maintain fill in approximately 360.0 linear feet of the channel of an unnamed tributary (UNT 2A) to Little Pine Creek (TSF), to place and maintain 340 linear feet of fill along the right bank of an unnamed tributary (UNT 2) to Little Pine Creek (TSF), to place and maintain 140.0 linear feet of fill along the banks of an unnamed tributary (UNT 3) to Little Pine Creek (TSF), to place and maintain approximately 277.0 linear feet of fill on the left bank of an unnamed tributary (UNT 1) to Little Pine Creek (TSF) and to place and maintain fill in approximately 0.018 acre of PEM wetlands for the purpose of constructing the McCandless Town Center. The project is located on the east side of the McKnight Road Extension at the intersection of the McKnight Road Extension and Cumberland Road (Emsworth PA Quadrangle N: 12.7 inches; W: 2.8 inches; Latitude: 40° 34' 12"; Longitude: 80° 01' 13") in McCandless Township, Allegheny County. To compensate for the wetland impacts, the applicant will construct 0.04 acre of wetland. To compensate for the stream impacts, the applicant will restore and maintain 460 linear feet of an unnamed tributary to Little Pine Creek (UNT 3) by planting the riparian zone, restore and maintain 160 linear feet of an unnamed tributary to Little Pine Creek (UNT 2) by installing in-stream stabilization and planting a riparian buffer, restore and maintain 1351 linear feet of Pine Creek (TSF) by installing an in-stream stabilization and habitat improvement structure and planting the riparian zone.

E03-458. PennDOT District 10-0; 2550 Oakland Ave., PO Box 429, Indiana, PA 15701; Kittanning and Manor Townships, **Armstrong County**; ACOE Pittsburgh District.

Applicant has been given consent to remove the existing SR 422, 18 inch to 36 inch diameter culvert having a total length of 185 feet; construct and maintain a replacement 54 inch diameter 230 foot long RCP culvert depressed 6 inches in an unnamed tributary to Rupp Run (WWF) with a drainage area of 0.12 square mile; fill and maintain a total of 0.022 acre of PEM wetland; temporarily impact 0.01 acre of PEM wetland; construct and maintain road associated stormwater outfalls; and construct and maintain 165 linear feet of restoration to an unnamed tributary to Rupp Run (WWF).

This project is associated with Theater Road, SR 422 improvement work with these encroachments located approximately 3.5 miles east of Ford City in Kittanning

and Manor Townships, Armstrong County (Mosgrove PA Quadrangle, North 7.3 inches and West 11.4 inches; Latitude 40° 47' 26" and Longitude -79° 27' 26").

E63-642. Investors Mark Acquisitions, LLC; 124 Windermere Ct., McMurray, PA 15317; Peters Township, **Washington County**; ACOE Pittsburgh District.

Applicant has been given consent to construct and maintain a box culvert having a span of 10.0 ft. with an underclearance of 6.0 feet approximately 96.0 feet long in an unnamed tributary to Brush Run (WWF) located under Villa Drive, to realign and maintain 50.0 linear feet of stream channel in an unnamed tributary to Brush Run (WWF), to place and maintain fill in 0.17 acre of wetlands, to construct and maintain a 36.0 inch diameter culvert approximately 84.0 feet long in unnamed tributary to Brush Run (WWF), to place and maintain fill temporarily in 0.018 acre of wetlands, to construct and maintain a 36.0 inch diameter culvert approximately 80.0 feet long in of an unnamed tributary to Brush Run (WWF) located under Villa Drive near the cul de sac of Villa Drive, and to construct and maintain an 8.0 inch diameter sewer line under the bed and across the channels of said streams and associated wetlands for the purpose of providing access to the proposed Tuscany Plan of Lots. The project is located on the north side of Just About Road, approximately 1,400.0 feet north from the intersection of Just About Road, Farm Road and Sienna Trail (Bridgeville, PA Quadrangle; N: 10.5 inches; W: 2.75 inches; Latitude: 40° 18' 24"; Longitude: 80° 01' 11") in Peters Township, Washington County. To compensate for the loss of 335.0 linear feet of stream channel, the applicant will construct and maintain stream bank plantings and install two rock cross vanes within a 680.0 linear foot reach of the unnamed tributary to Brush Run. The 50.0 linear foot segment of tributary to be realigned will be enhanced with riparian plantings. To compensate for the wetland impacts a 0.17 acre wetland mitigation area adjacent to Wetland 5 will be constructed.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.

E10-477, Butler County Planning Commission, P. O. Box 1208, 124 West Diamond Street, Butler PA 16003 in Cranberry Township, **Butler County**, ACOE Pittsburgh District

Remove the existing single span steel stringer bridge and to construct and maintain a single span prestressed concrete I-beam bridge having a 39.5-foot out to out width with a normal clear span of 81.2 feet and an underclearance of 12.2 feet across Brush Creek (WWF) along Powell Road (T-301) just south of its overpass of I-76 PA Turnpike, (Baden, PA Quadrangle N: 40°, 43', 3"; W: 80°, 8', 28") Project also includes the reconstruction of the roadway approaches to the structure.

E25-748, Erie County Convention Center Authority, 809 French Street, Erie, PA 16501 in the City of Erie, **Erie County**, ACOE Pittsburgh District

Construct and maintain approximately 900 feet of steel sheet pile seawall and an approximately 500 feet long enclosure of an unnamed tributary to Presque Isle Bay as part of the redevelopment of the former GAF bay-front property within Lake Erie's Presque Isle Bay at a point nearly 1200 feet west of the State Street and Bayfront Parkway intersection (Erie North, PA Quadrangle N: 42°, 8', 4"; W: -80°, 5', 29").

ENVIRONMENTAL ASSESSMENTS

Northcentral Region: Program Manager, Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701

EA 08-006. Schrader Creek Watershed Association, RR 2, Box 292, Towanda, PA 18848. Acid mine drainage abatement project on an Unnamed Tributary to Long Valley Run, Franklin Township, **Bradford County**, ACOE Baltimore District

Schrader Creek Watershed Association proposes to construct, operate and maintain a Long Valley Run Site #4 Acid Mine Drainage passive treatment system and appurtenant structures to treat acid mine drainage discharges to an Unnamed Tributary (UNT) to Long Valley Run. The designated use of the UNT to Long Valley Run is High Quality-Cold Water Fishes. Construction of the treatment system will result in 0.14 acre of palustrine emergent (PEM)-palustrine scrub-shrub (PSS)-palustrine forested (PFO) wetland impacts and 40 linear feet of stream impacts to the UNT to Long Valley Run. This approval under Chapter 105, Section 105.12(a)(16) also includes 401 Water Quality Certification.

(Powell Quadrangle; Latitude N 41° 39' 54.2"; Longitude W 76° 35' 25.8").

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D48-043EA. Horwith Leasing Co., Inc., P. O. Box 7, Northampton, PA 18067. Northampton Borough, **Northampton County**, ACOE Philadelphia District. Project proposes to breach and remove Water Supply Dam across Hokendauqua Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 4000 feet of stream channel. The dam is located approximately 4500 feet southeast of the intersection of E. Twentyfirst Street (SR 329) and Main Street (SR 4003) (Catasauqua, PA Quadrangle; Latitude: 40° 41' 18", Longitude: -75° 29' 00").

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

Southwest: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive Pittsburgh, PA 15222

Well Permit #: 129-28812-00
Well Farm Name: National Metals NE 1-3H
Applicant Name: WPX Energy Appalachia, LLC
Contact Person: David Freudenrich
Address: 6000 Town Center Blvd., Ste 300 Canonsburg, PA 15317
County: Westmoreland
Municipality Name/City, Borough, Township: Derry
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Union Run & Tributary of Union Run, Wetland 072110930

Well Permit #: 129-28813-00
Well Farm Name: National Metals SE 1-7H
Applicant Name: WPX Energy Appalachia, LLC
Contact Person: David Freudenrich
Address: 6000 Town Center Blvd., Ste 300 Canonsburg, PA 15317
County: Westmoreland
Municipality Name/City, Borough, Township: Derry
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Union Run & Tributary to Union Run, Wetland 072110930

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 015-22305-00-00
Well Farm Name Kingsley South 4H
Applicant Name: EOG Resources Inc.
Contact Person: Matt Tharp
Address: 400 Southpointe Blvd, Ste 300, Canonsburg, PA 15317
County: Bradford
Municipality Springfield Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: East Troy, Leonard Creek

Well Permit #: 015-22300-00-00
Well Farm Name Harlan S Bra 1H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Overton Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Overton, Tributary to Level Branch Lick Creek, which is tributary to Loyalsock Creek, and to Black Creek which is tributary to Little Loyalsock Creek.

Well Permit #: 115-21002-00-00
 Well Farm Name Fiondi 64-2H
 Applicant Name: WPX Energy Appalachia, LLC
 Contact Person: David Freudenrich
 Address: 6000 Town Center Boulevard, Suite 300,
 Canonsburg, PA 15317
 County: Susquehanna
 Municipality Middletown Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to
 the Section 3215(b)(4) waiver: Lawton, Middle Branch
 Wyalusing Creek

Well Permit #: 115-21003-00-00
 Well Farm Name Fiondi 64-3H
 Applicant Name: WPX Energy Appalachia, LLC
 Contact Person: David Freudenrich
 Address: 6000 Town Center Boulevard, Suite 300,
 Canonsburg, PA 15317
 County: Susquehanna
 Municipality Middletown Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to
 the Section 3215(b)(4) waiver: Lawton, Middle Branch
 Wyalusing Creek

Well Permit #: 039-25762-00-00
 Well Farm Name Johns Philson Unit 1
 Applicant Name: Kastle Resources Ent. Inc.
 Contact Person: Steve Fleischer
 Address: PO Box 1085, Wooster, Ohio 44691
 County: Crawford
 Municipality Summerhill Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to
 the Section 3215(b)(4) waiver: Harmonsburg, Blue Line
 tributary to Conneaut Creek

SPECIAL NOTICES

Extended Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; Calendar Year 2011

The Department of Environmental Protection (DEP) announces an extended request for applications from municipalities for recycling performance grant assistance for recycling programs pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 904. Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums, or similar entities established by two or more municipalities under 53 PA. C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2011.

Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source-separated recyclable materials identified in § 1501(c)(1)(i) of Act 101 recovered by municipal recycling

programs, and the population of the municipality as determined by the most recent decennial census.

Applicants who have failed to comply with the conditions set forth in previously awarded grants, the recycling program performance requirements contained in Act 140 of 2006, the grant requirements of Act 101, or the regulations of Act 101 may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with § 272.314(b)(2) relating to the submittal of the annual recycling report.

Eligible materials include post-consumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after Jan. 1, 2011, to and including Dec. 31, 2011. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Any residues, materials not listed as eligible, or any materials that cannot be documented as being generated within the municipality or marketed or recycled into new products or uses are not eligible for consideration toward the grant. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department of Environmental Protection, the Office of the Auditor General, the Office of the Treasurer, or agents of those offices for four (4) years. DEP will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application. Grant applications must be on forms provided by DEP for calendar year 2011. Grant applications must be delivered by 4 p.m., December 28, 2012, or postmarked on or before this date. Applications received by the DEP after the deadline will be returned to the applicant. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Applications can be obtained from the DEP's website at www.depweb.state.pa.us (Keyword: "Recycling Grants"). Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, PO Box 8472, Harrisburg, PA 17105-8472 or mvottero@state.pa.us.

[Pa.B. Doc. No. 12-2231. Filed for public inspection November 16, 2012, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for the Motor Vehicle Emissions Budgets for the 5-County Philadelphia Fine Particulate Matter Nonattainment Area; Public Hearing

The Department of Environmental Protection (Department) is revising the Motor Vehicle Emissions Budgets (MVEBs) included in the State Implementation Plan (SIP) Revision: Attainment Demonstration and Base Year Inventory for 1997 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard for the 5-county Philadelphia area (77 FR 51930, August 28, 2012). The revised budgets, once approved by the United States Environmental Protection Agency (EPA), will expedite future transportation planning for the 5-county Philadelphia area (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties).

The EPA developed a new computer model, the Motor Vehicle Emissions Simulator (MOVES) that estimates emissions from highway vehicles more accurately. EPA also provided a 2-year grace period prior to requiring that MOVES be used for regional emissions analyses for transportation conformity determinations (75 FR 9411, March 2, 2010). Subsequently, the EPA announced that the most updated version of MOVES must be used for regional transportation conformity analyses that begin after March 2, 2013 (77 FR 11394, February 27, 2012).

The approved PM_{2.5} attainment plan for the 5-county Philadelphia area used the former EPA-approved model, Mobile6, for estimating highway vehicles emissions in 2009. Emissions of nitrogen oxides and PM_{2.5} are estimated to be at higher levels by the new model than what was approved in the attainment plan. The transportation conformity regulation specifies that emissions from updated local transportation improvement plans must not exceed the MVEBs in the area's approved, applicable SIP. By using similar modeling in transportation planning and the SIP, a more realistic comparison between the two plans will reduce the chance of transportation projects being delayed.

It is important to note that higher emission estimates calculated by MOVES do not mean that emissions from vehicles actually increased. The MOVES model more accurately estimates emissions that are already being produced by vehicles. Consequently, the ability of the area to attain the fine particulate matter standard will not be affected by migration to the new model.

This proposed SIP revision is available on the Department's web site at www.dep.state.pa.us (choose "Air Plans") or through the contact persons listed as follows.

The Department is seeking public comment on this SIP revision and changes made to the MVEBs in the PM_{2.5} attainment plan for the 5-county Philadelphia area. The Department will hold a public hearing to receive comments on the proposal on Monday, December 17, 2012, at 11 a.m. in the Ridley Creek Room at the Department of Environmental Protection's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

Persons wishing to present testimony at the hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or alehaas@pa.gov to reserve a time. If, by December 13, 2012, no person has expressed intent to testify at the hearing, the hearing will be

cancelled. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or alehaas@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than December 17, 2012. Written comments should be sent to the attention of Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or ashulman@pa.gov. Use "Philadelphia MVEB Revisions" in the subject line.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2232. Filed for public inspection November 16, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

PennSERVE: The Governor's Office of Citizen Service Notice of Funding Opportunity; 2013-2014 AmeriCorps State Program Grant Competition

PennSERVE: The Governor's Office of Citizen Service announces the 2013-2014 grant competition for the operation of AmeriCorps National service programs. AmeriCorps grants support the efforts of organizations to recruit and deploy AmeriCorps members and the volunteers with whom they work to address unmet community needs. AmeriCorps State Program grants will be awarded on a competitive basis to eligible organizations that identify problems and persuasively demonstrate how deploying AmeriCorps members and community volunteers will produce significant positive impact.

Eligible applicants include public or private nonprofit organizations, including labor organizations, community and faith-based organizations, institutions of higher education, government agencies and partnerships or consortia. Subject to the availability of Federal appropriations for Federal Fiscal Year 2013 (FY 2013), applicants with high-quality proposals may compete with other State and National programs for AmeriCorps State program funding made available through PennSERVE and the Corporation for National and Community Service (CNCS). To be considered, an application must request not less than 10 Member Service Years, and the total grant amount request must not exceed \$13,300 per Member Service Year. For Professional Corps, an application must request not less than 10 Member Service Years, and the total grant amount request must not exceed \$2,500 per Member Service Year.

Following the initial review of all applications, a decision will be made as to which programs will be recommended by PennSERVE to CNCS for Competitive funding consideration. The remaining applications, and those not selected by CNCS for Competitive funding, will be consid-

ered for Formula funding. Notification of grant awards should occur in Spring 2013, with program start dates of August 20, 2013.

AmeriCorps is a National service network that provides full- and less than full-time opportunities for participants, called members, to serve their communities and build the capacity of nonprofit organizations to meet local human needs. Programs may submit proposals that address specific problems of local communities within or among identified issue areas.

On April 21, 2009, President Obama signed the Edward M. Kennedy Serve America Act (act) (Pub. L. No. 111-13), the most sweeping expansion of National service in a generation. This landmark law not only expands service opportunities, but also focuses National service on key outcomes; builds the capacity of individuals, nonprofits and communities to succeed; and encourages innovative approaches to solving problems.

In alignment with the act, this AmeriCorps State Notice of Funding Opportunity will focus AmeriCorps grantmaking in six Focus Areas identified by the act:

- Disaster services
- Economic opportunity
- Education
- Environmental stewardship
- Healthy futures
- Veterans and military families

To carry out Congressional intent and to maximize the impact of the public investment in national service, CNCS and PennSERVE are seeking to fund programs that can demonstrate community impact and solve community problems through an evidence-based or evidence-informed approach (for example, performance data, research, theory of change).

In the 2013-14 AmeriCorps competition, CNCS and PennSERVE especially seek to prioritize investment in the following areas: Economic opportunity, education, veterans and military families, disaster services and the governor and mayor initiative. Consistent with Governor Corbett's priorities, a focus will be placed on National service programs that improve academic and career outcomes for children, youth and young adults as well as those that serve veterans and military families or engage veterans and military families in service.

Types of AmeriCorps Grants Available in this Competition

The types of AmeriCorps grants for which applicants in this competition may apply are described as follows. CNCS and PennSERVE will not provide more than one grant for the same project in one Fiscal Year. Also see the AmeriCorps State and National Fit Finder at <http://www.americorps.gov/fitfinder/> to decide which type of grant aligns with the proposed project.

1. AmeriCorps State Formula / Competitive

These grants are awarded to fund a portion of AmeriCorps program operational expenses and living allowance and support services for enrolled AmeriCorps members. They are not intended to cover general organizational expenses. Matching funds are required.

Prior approval from PennSERVE is required to submit an application for an AmeriCorps State Competitive grant.

2. Professional Corps

These grants are awarded to organizations that propose to operate a Professional Corps program. Professional Corps programs place AmeriCorps members as teachers, health care providers, police officers, engineers or other professionals in communities where there is a documented shortage of these professionals. Applicants are eligible to apply for funding for a portion of program costs. Professional Corps member salaries are paid entirely by the organizations with which the members serve, and are not included in the budget.

3. Full-time Fixed Amount Grants (Non-EAP)

These grants are awarded to organizations operating in a single state (Pennsylvania), including single-state Professional Corps programs. Full-time fixed amount grants are available for programs that enroll full-time members only. Applicants apply for a fixed amount per Member Service Year, and use their own or other resources for the remaining cost of the program. There is no match requirement for fixed-amount grants, but organizations must raise the additional funds needed to run the program.

Prior approval from PennSERVE is required to submit an application for a Non-EAP Fixed Amount grant.

4. Education Award Program (EAP) Fixed Amount Grants

These grants are awarded to applicants that apply for a small fixed-amount grant for program operations, and use other resources for members' living allowances (if applicable) and additional program costs. There is no match requirement for EAP grants. Unlike full-time fixed-amount grants, EAPs may enroll less-than-full-time members in addition to full-time members.

Match Requirements

1. Cost Reimbursement Grants (Non-Fixed Amount)

A first time successful applicant is required to match at 24% for the first 3-year funding period. Starting with year 4, the match requirement gradually increases every year to 50% by year 10, according to the minimum overall share chart found in 45 CFR 2521.60 (relating to to what extent must my share of program costs increase over time).

Section 121(e)(5) of the National Community Service Act requires that programs that use other Federal funds as match for an AmeriCorps grant report the amount and source of these funds to CNCS on the Federal Financial Report.

Table: 2013-2014 Grantee Match Requirements based on year of funding

<i>AmeriCorps Funding Year</i>	<i>1, 2, 3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10+</i>
Grantee Share Requirements	24%	26%	30%	34%	38%	42%	46%	50%

2. Fixed Amount Grants

There is no match requirement for fixed-amount grants. However, the fixed-amount grant does not cover all costs. Fixed-amount grantees provide the additional resources needed to operate the program.

Requirements Regarding Member Living Allowance:

The proposed budget must include a living allowance for full-time members that is between \$12,100 (minimum) and \$24,200 (maximum) per member, except as noted as follows.

For cost reimbursement grants, this amount must be included in the proposed budget. The living allowance is not required for members serving in less than full-time terms of service. If a program chooses to provide a living allowance to a less than full-time member, it must comply with the maximum limits in the chart below.

Table: 2013-2014 Minimum and Maximum Living Allowance

<i>Service Term</i>	<i>Minimum # of Hours</i>	<i>Minimum Living Allowance</i>	<i>Maximum Total Living Allowance</i>
Full-time	1,700	\$12,100	\$24,200
One-year Half-time	900	n/a	\$12,800
Reduced Half-time	675	n/a	\$9,600
Quarter-time	450	n/a	\$6,400
Minimum-time	300	n/a	\$4,260

All eligible applicants must meet all of the applicable requirements contained in the Request for Applications (RFA). The RFA, which will contain additional information and instructions, is expected to be available in late October 2012 on the PennSERVE web site at www.dli.state.pa.us/pennserve or at the PennSERVE office.

The deadline for submission is Monday, December 17, 2012, by 5 p.m. Applications must be entered into the CNCS eGrants online system and all required hard copy documents must be submitted to PennSERVE. Late applications will not be accepted.

For additional information contact PennSERVE: The Governor's Office of Citizen Service at pennserve@pa.gov or (866) 6-SERV-U.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 12-2233. Filed for public inspection November 16, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following are available for sale by the Department:

Parcel No. 40 on SR 119-407, North Mahoning Township, Indiana County. It is now or formally listed as Tax

Parcel 28-19-109, this parcel contains approximately 10,964 square feet of unimproved land situated along SR 119 in Rochester Mills, PA 15771. The estimated fair market value of the parcel is \$4,400.

Parcel Nos. 36 and 37 on SR 119-496, Burrell Township, Indiana County. They are now or formally listed as Tax Parcels 10-15-105 and 106, these combined parcels contain approximately 26,380 square feet of unimproved land situated along SR 119 near Blacklick, PA 15716. The estimated fair market value of the combined parcels is \$21,100.

Parcel No. 6 on SR 6028-015, Manor Township, Armstrong County. It is now or formally listed as Tax Parcel 29-143.00-01-09, this parcel contains approximately 1.296 acres of unimproved land situated along SR 6028 near the intersection of Hawk Hollow Road and SR 6028. The estimated fair market value of the parcel is \$600.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Department of Transportation, Engineering District 10-0, Attn: Right-of-Way, P. O. Box 429, Indiana, PA 15701.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 12-2234. Filed for public inspection November 16, 2012, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Hatfield Township Municipal Authority v. DEP; EHB Doc. No. 2012-178-M; 9-26-12—Issuance of NPDES Permit No. PA0026247

Hatfield Township Municipal Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Hatfield Township Municipal Authority for a facility in Hatfield Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 12-2235. Filed for public inspection November 16, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions to List; January 2013

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on January 23 and 24, 2013, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Armstrong	Glade Run	Mahoning Creek Lake	Headwaters to mouth
Cambria	O'Connor Run	Dalton Run	Headwaters to mouth
Clarion	Trap Run	Mill Creek	Headwaters to mouth
Elk	Benninger Creek	Brandy Camp Creek	Headwaters to mouth
Fayette	Laurel Run	Mill Run	Headwaters to mouth
Fayette	Rock Spring Run	Youghiogheny River	Headwaters to mouth
Schuylkill	UNT to Little Schuylkill River (RM 17.55 - W Penn)	Little Schuylkill River	Headwaters to mouth
Schuylkill	UNT to UNT to Little Schuylkill River (New Ringgold)	UNT to Little Schuylkill River (New Ringgold)	Headwaters to mouth
Schuylkill	UNT to UNT to Little Schuylkill River (W Penn)	UNT to Little Schuylkill River (W Penn)	Headwaters to mouth
Schuylkill	West Creek	Muddy Branch	Headwaters to mouth
Somerset	Keller Run	Clear Run	Headwaters to mouth
Somerset	Laurel Run	Whites Creek	Headwaters to mouth
Somerset	Twomile Run	Quemahoning Reservoir	Headwaters to mouth
Somerset	UNT to North Fork Bens Creek (RM 3.60)	North Fork Bens Creek	Headwaters to mouth
Somerset	UNT to Quemahoning Reservoir	Quemahoning Reservoir	Headwaters to mouth
Somerset	UNT to South Fork Bens Creek (RM 6.82)	South Fork Bens Creek	Headwaters to mouth
Wyoming	UNT to Leonard Creek (Beaumont)	Leonard Creek	Headwaters to mouth

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-2236. Filed for public inspection November 16, 2012, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Streams

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 23 and 24, 2013.

County	Stream	Section	Limits	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Length (miles)	Survey Year
Cambria	O'Connor Run	01	Headwaters to mouth	31.87	-	1.62	2012
Fayette	Rock Spring Run	01	Headwaters to mouth	42.37	-	2.28	2012
Somerset	Keller Run	01	Headwaters to mouth	30.33	-	2.01	2012
Wyoming	UNT to Leonard Creek (Beaumont)	01	Headwaters to mouth	92.01	34.97	1.30	2012

Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-2237. Filed for public inspection November 16, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating

agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

Final-Form

Reg. No.

Agency/Title

Received

Public

Meeting

54-70

Pennsylvania Liquor Control Board
Office of Administrative Law Judge;
Payment of Fees and Fines

11/02/12

12/13/12

12-96

Department of Labor and Industry
Unemployment Compensation; Active
Search for Work

11/05/12

12/13/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2238. Filed for public inspection November 16, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health, Inc.; Small Group Base Rate Filing

On October 15, 2012, Aetna Health, Inc. submitted a filing for the Commercial HMO Rates for all groups with fewer than 51 average subscribers. The filing requested rate increases of 6.1% for 1st quarter 2013, 3.4% for 2nd quarter 2013, 4.4% for 3rd quarter 2013 and 4.4% for 4th quarter 2013. The filing will affect approximately 15,000 employers, 141,000 members and generate additional revenue of approximately \$114 million annually. An effective date of January 1, 2013, is requested.

Groups that renew in the 1st quarter 2013 will see an average annual rate increase of 11.1%, with a minimum increase of -9.4% and a maximum increase of 22.6%. Groups that renew in the 2nd quarter 2013 will see an average annual rate increase of 17%, with a minimum of -6.3% and a maximum of 26%. Groups that renew in the 3rd quarter 2013 will see an average annual rate increase of 20.5%, with a minimum of 10.1% and a maximum of 22.8%. Groups that renew in the 4th quarter 2013 will see an average annual rate increase of 19.2%, with a minimum of 10.8% and a maximum of 22.2%. Note that these increases may vary depending on the specific characteristics of a group.

Unless formal administrative action is taken prior to January 31, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection by appointment during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Sabater, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, jsabater@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2239. Filed for public inspection November 16, 2012, 9:00 a.m.]

Aetna Health, Inc.; Small Group Base Rate Filing

On October 15, 2012, Aetna Health, Inc. submitted a filing for the Commercial HMO Rates for all groups with fewer than 51 average subscribers. The filing requested rate increases of 6.1% for 1st quarter 2013, 3.4% for 2nd quarter 2013, 4.4% for 3rd quarter 2013 and 4.4% for 4th quarter 2013. The filing will affect approximately 15,000 employers, 142,000 members and generate additional revenue of approximately \$114 million annually. An effective date of January 1, 2013, is requested.

Groups that renew in the 1st quarter 2013 will see an average annual rate increase of 11.1%, with a minimum increase of -9.4% and a maximum increase of 22.6%. Groups that renew in the 2nd quarter 2013 will see an average annual rate increase of 17%, with a minimum of -6.3% and a maximum of 26%. Groups that renew in the 3rd quarter 2013 will see an average annual rate increase of 20.5%, with a minimum of 10.1% and a maximum of 22.8%. Groups that renew in the 4th quarter 2013 will see an average annual rate increase of 19.2%, with a minimum of 10.8% and a maximum of 22.2%. Note that these increases may vary depending on the specific characteristics of a group.

Unless formal administrative action is taken prior to January 30, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2240. Filed for public inspection November 16, 2012, 9:00 a.m.]

Aetna Health, Inc.; Small Group Base Rate Filing

On October 15, 2012, Aetna Health, Inc. submitted a filing for the Commercial PPO Rates for all groups with fewer than 51 average subscribers. The filing requested rate increases of 6% for 1st quarter 2013, 3.5% for 2nd quarter 2013, 4.4% for 3rd quarter 2013 and 4.4% for 4th quarter 2013. The filing will affect approximately 1,900 employers, 8,000 members and generate additional revenue of approximately \$6.3 million annually. An effective date of January 1, 2013, is requested.

Groups that renew in the 1st quarter 2013 will see an average annual rate increase of 14%, with a minimum increase of 5.7% and a maximum increase of 19.8%. Groups that renew in the 2nd quarter 2013 will see an average annual rate increase of 18.3%, with a minimum of 9.3% and a maximum of 23.1%. Groups that renew in the 3rd quarter 2013 will see an average annual rate increase of 20.9%, with a minimum of 10.1% and a maximum of 23.5%. Groups that renew in the 4th quarter 2013 will see an average annual rate increase of 19.3%, with a minimum of 10.8% and a maximum of 22.2%. Note that these increases may vary depending on the specific characteristics of a group.

Unless formal administrative action is taken prior to January 30, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg. Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2241. Filed for public inspection November 16, 2012, 9:00 a.m.]

Alleged Violation of Insurance Laws; Iso Gerard Finzi, Jr.; Doc. No. SC12-10-027

Notice is hereby given of the Order to Show Cause issued on February 17, 2012, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 606-A(a)(6), 611-A(8) and (20), 678-A and 691-A of The Insurance Department Act of 1921 (40 P. S. §§ 310.6(a)(6), 310.11(8) and (20), 310.78 and 310.91).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2242. Filed for public inspection November 16, 2012, 9:00 a.m.]

Alleged Violation of Insurance Laws; Jesse James Nepywoda; Doc. No. SC12-11-008

Notice is hereby given of the Order to Show Cause issued on November 6, 2012, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(15) and (20), 678-A(b) and 691-A of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(15) and (20), 310.78(b) and 310.91).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2243. Filed for public inspection November 16, 2012, 9:00 a.m.]

Erie Insurance Exchange; Erie Insurance Company; Private Passenger Automobile; Rate and Rule Revisions

On October 26, 2012, the Insurance Department (Department) received from Erie Insurance Exchange and Erie Insurance Company a filing for rate level and rule changes for private passenger automobile insurance.

The companies request an overall 0.1% increase, amounting to \$1,110,000, to be effective April 1, 2013.

This overall figure represents an average, the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to December 25, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments regarding the filing to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2244. Filed for public inspection November 16, 2012, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-12-015, Dated October 18, 2012. Authorizes the 2011-2015 Memorandum of Understanding between the Commonwealth and the Pennsylvania Social Services Union, affiliated with Service Employees International Union.

Resolution No. CB-12-016, Dated October 18, 2012. Memorandum of Understanding between the Commonwealth and the Independent State Store Union, Liquor Store Managers Unit.

Governor's Office

Management Directive No. 305.4—Payments to Counties, Amended October 3, 2012.

Administrative Circular 12-14—Conversion of Financial Interface Files to/from the Pennsylvania Treasury Department and the Integrated Enterprise System (IES) to SAP Accounting Code, Dated October 11, 2012.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 12-2245. Filed for public inspection November 16, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 3, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of persons as described under each application.

A-2012-2325112. S-Z Trucking, LLC (194 King Road, Atglen, PA 19310), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

A-2012-2325264. Betterchoice Limo & Car Service, Inc. (709 Norwood House Road, Downingtown, Chester County, PA 19335)—persons, in limousine service, between points in Chester County.

Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of persons by transfer of rights as described under the application.

A-2012-2325757. Delmer L. Peachey (1897 Licking Creek Road, McVeytown, PA 17051), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, which is to be a transfer of all the rights authorized under the certificate of Public Convenience issued at A-00121499 on August 14, 2006, to Raymond S. & M. Joanne Peachey.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2246. Filed for public inspection November 16, 2012, 9:00 a.m.]

Telecommunications

A-2012-2331895. Citizens Telecommunications of New York, Inc. "Frontier" and Service Electric Telephone Company, LLC. Joint petition of Citizens Telecommunications of New York, Inc. "Frontier" and Service Electric Telephone Company, LLC for approval of the

interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Citizens Telecommunications of New York, Inc. "Frontier" and Service Electric Telephone Company, LLC, by its counsel, filed on November 1, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Citizens Telecommunications of New York, Inc. "Frontier" and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2247. Filed for public inspection November 16, 2012, 9:00 a.m.]

Telecommunications

A-2012-2332749. Mahanoy & Mahantango Telephone Company (TDS Telecom) and Service Electric Telephone Company, LLC. Joint petition of Mahanoy & Mahantango Telephone Company (TDS Telecom) and Service Electric Telephone Company, LLC for approval of first amendment to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Mahanoy & Mahantango Telephone Company (TDS Telecom) and Service Electric Telephone Company, LLC, by its counsel, filed on November 5, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of first amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Mahanoy & Mahantango Telephone Company (TDS Telecom) and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2248. Filed for public inspection November 16, 2012, 9:00 a.m.]

Telecommunications

A-2012-2332504. Verizon North, LLC and Cricket Wireless, Inc. Joint petition of Verizon North, LLC and

Cricket Wireless, Inc. for approval of amendment No. 1 to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Joint petition of Verizon North, LLC and Cricket Wireless, Inc. by its counsel, filed on November 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and Cricket Wireless, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2249. Filed for public inspection November 16, 2012, 9:00 a.m.]

Telecommunications

A-2012-2332509. Verizon North, LLC and Princeton Hosted Solutions, LLC. Joint petition of Verizon North, LLC and Princeton Hosted Solutions, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon North, LLC and Princeton Hosted Solutions, LLC by its counsel, filed on November 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and Princeton Hosted Solutions, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2250. Filed for public inspection November 16, 2012, 9:00 a.m.]

Telecommunications

A-2012-2332502. Verizon Pennsylvania, LLC and Cricket Communications, Inc., d/b/a Cricket Wireless, Inc. Joint petition of Verizon Pennsylvania, LLC

and Cricket Communications, Inc., d/b/a Cricket Wireless, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, LLC and Cricket Communications, Inc., d/b/a Cricket Wireless, Inc. by its counsel, filed on November 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 2 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, LLC and Cricket Communications, Inc., d/b/a Cricket Wireless, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2251. Filed for public inspection November 16, 2012, 9:00 a.m.]

Telecommunications

A-2012-2332507. Verizon Pennsylvania, LLC and Princeton Hosted Solutions, LLC. Joint petition of Verizon Pennsylvania, LLC and Princeton Hosted Solutions, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, LLC and Princeton Hosted Solutions, LLC by its counsel, filed on November 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, LLC and Princeton Hosted Solutions, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2252. Filed for public inspection November 16, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-077.1, Packer Avenue Building 7 Roof Replacement, until 2 p.m. on Thursday, December 13, 2012. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES. T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2253. Filed for public inspection November 16, 2012, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-087.1, Pier 122 South Repairs: to include pile replacement, pile repair and shoreline stabilization, until 2 p.m. on Tuesday, December 11, 2012. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES. T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2254. Filed for public inspection November 16, 2012, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-090.P, Uniform Rental (including weekly cleaning and repairs), until 2 p.m. on Thursday, December 6, 2012. Information can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2255. Filed for public inspection November 16, 2012, 9:00 a.m.]

